

MINISTRY OF HOUSING AND LOCAL GOVERNMENT

COMMITTEE ON THE
MANAGEMENT OF LOCAL GOVERNMENT

Management of Local Government

Volume 1

REPORT
OF THE COMMITTEE



LONDON

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1967

This Volume has four associated Volumes:

- Volume 2. The local government councillor: an enquiry carried out for the Committee by the Government Social Survey.
- Volume 3. The local government elector: an enquiry carried out for the Committee by the Government Social Survey.
- Volume 4. Local government administration abroad: an enquiry carried out for the Committee by Dr. A. H. Marshall.
- Volume 5. Local government administration in England and Wales: research enquiries carried out for the Committee.

Volumes 2, 3 and 4 are being published at the same time as this Volume.

Volume 5 will be published later.

The work of the Committee on the Management of Local Government (together with that of the parallel Committee on the Staffing of Local Government) has been financed in part by the Exchequer and in part by the four main local authority Associations. The Committees shared common services and the cost of these has been apportioned.

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To the Right Honourable Anthony Greenwood, MP,
Minister of Housing and Local Government.

Sir,

We were appointed by your predecessor, Sir Keith Joseph, at the request of four of the local authority Associations* on 3 March, 1964

'to consider in the light of modern conditions how local government might best continue to attract and retain people (both elected representatives and principal officers) of the calibre necessary to ensure its maximum effectiveness'.

Of those originally appointed, Mr. F. C. Bagnall resigned from the Committee in January 1965 because of pressure of work, and Sir William Bennett has been unable through illness to take part in the later stages of our work.

Our Report is unanimous, subject to notes of dissent on certain points from Sir Philip Dingle, Mr. F. V. Magness and Sir Andrew Wheatley. We now submit it to you and, through you, to the four local authority Associations.

M. V. Saville
(Secretary)

H. G. Cooper
(Assistant Secretary)

John Maud
Philip B. Dingle
Victor Feather
Gainsborough
Francis Hill
T. S. G. Hunter
Geraldine Lack
W. J. M. Mackenzie
Fred V. Magness
E. B. Mayne
Peter Mursell
R. A. J. Porter
Morley Thomas
Harry Watton
Andrew Wheatley

23 March, 1967.

*The Association of Municipal Corporations.
The County Councils Association.
The Rural District Councils Association.
The Urban District Councils Association.

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Main Points of the Report

Urgent need for reform

1. Radical changes in the local government of England and Wales are needed. Excellent work is being done by many of the 43,000 men and women members of the 1,450 councils elected to govern our towns, counties and rural districts and by many of the 1,900,000 paid servants of those councils. But the country is not getting full value in terms of human happiness for the time spent and for the increasing current expenditure now standing at £3,000 million (9% of the gross national product) that they spend each year.

2. This must be remedied. It is partly due to defects in the present local government structure of areas, authorities and functions (now under review by the Royal Commission on Local Government in England). But it is also due to other causes, and it is with these that we are concerned in this Report.

3. First, it is due to the survival, in the great majority of local authorities, both large and small, of a nineteenth century tradition that council-members must themselves be concerned with actual details of day-to-day administration.

In consequence the larger local authorities still rely on an elaborate system of committees and sub-committees ill adapted to the mass of business (such as planning, transport, housing, urban renewal, education and other social services) now requiring co-ordinated long-term action.

Paid officers are not sufficiently trusted to take action without reference to members.

The work is fragmented between too many separate departments, and these are seldom coherently organised or led by the Clerk.

The result is often both inefficient and undemocratic. Members' concern with detail leaves them too little time to take the more important decisions. Officers are unable fully to exploit their powers of initiative and expert skill.

4. The second fundamental source of weakness is this: Parliament, Ministers and the Whitehall departments have come increasingly to lose faith in the responsibility of locally elected bodies. People of the required calibre will not make themselves available, either as members or officers, unless this tendency is reversed. If as a nation we want local democracy, the national Government must give local authorities a larger measure of home rule.

5. Thirdly, there is often too wide a gulf in local government between the governors and the governed.

6. Whatever changes in the structure of local government may result from the work of the Royal Commission, the value we shall get from time and money spent on local government will still depend on the calibre of council-members and their paid servants, on the way they organise their work, and on the degree of mutual understanding established between them and the people of the local communities they serve.

7. Each authority will still have to solve its own problems of internal organisation and relationship to the local community. And on the solution of such problems will largely depend the calibre of men and women offering themselves for election as council-members or seeking a paid career in local government.

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II. Internal organisation reform

8. Without waiting for any change in the structure of local government, each authority should therefore forthwith review its internal organisation, with the following points in mind:—

- (i) There should be a clearer division of labour between council-member and officer.
- (ii) Council-members must exercise sovereign power within the authority and accept responsibility for everything done in the council's name. But having settled the policy they must delegate to officers the taking of all but the most important decisions.
- (iii) Committees should cease to be executive or administrative bodies, save for some exceptional purposes. Their main functions should be deliberative.
- (iv) There should be as few committees as possible, perhaps not more than half-a-dozen even in large authorities. Each committee should concern itself with a group of subjects: for example child care, personal health and welfare might be the concern of a single 'social work' committee.
- (v) There should be as few sub-committees as possible.
- (vi) All but the smallest authorities should appoint a management board, of between 5 and 9 council-members, and delegate wide powers to it.
- (vii) This board should be the sole channel through which business done in the committees reaches the council. It would itself formulate and present proposals requiring council approval. It would also propose the establishment and dis-establishment of committees. It would serve as the focal point for management of the authority's affairs and supervise the work of the authority as a whole.
- (viii) If the council is organised on party political lines, the minority party should be offered representation on the management board; thus knowledge of council business would be shared, and the experience gained by minority-party members would prove valuable if, after an election, their party secured a majority of council seats.
- (ix) A council should be free to pay the members of its management board a part-time salary (say, £1,000 a year in the largest authorities), additional to any allowances payable to ordinary council-members.

9. Each authority should appoint a Clerk as undisputed head of the whole paid service of the council. He should not necessarily be a qualified lawyer but should be chosen for qualities of leadership and managerial ability. He would be chief officer to the management board.

10. The other principal officers should form a team under the Clerk's leadership and report to the council through him.

11. Departments should be grouped under not more than, say, half-a-dozen principal officers.

12. The full council would debate and decide questions put to it by the management board, which would sometimes circulate before debate 'white papers' on important issues of policy. Full opportunity should also be given in council for members to ask questions and table motions for debate.

13. It would be essential for the management board to retain the confidence of at least a majority of council-members. If it lost this confidence it would resign and the council would appoint a new board.

III. Reformed relations between central and local government

14. There must be a fundamental change in the attitude to local government of the national authorities. The trend of recent legislation and the practice of government departments have been steadily reducing the discretion of local authorities and converting them into agents of Ministers and Whitehall. This tendency must be arrested and reversed; otherwise persons of the calibre required for effective local democracy will not offer themselves for election.

15. Authorities must be allowed to determine their own internal organisation. Legislation prescribing the appointment of particular committees for education, child care, health, welfare, etc., must be repealed.

16. Ministers should play no part in the appointment or dismissal by local authorities of their principal officers.

17. Councils should themselves determine the scale of financial allowances which members can claim, but the appropriate Minister should sanction the scale of part-time salaries payable to members of management boards.

18. Whitehall must continue in the interest of the national economy to control local programmes of capital investment, but this control should no longer be used to prescribe the details of local buildings or expenditure.

19. In order that local authorities may establish their own priorities as part of a co-ordinated plan of development, the Whitehall departments (of housing, education, transport, etc.) must co-ordinate among themselves their dealings with individual authorities.

20. The whole complex of central administrative controls needs to be revised, reduced and simplified.

21. The taxing powers of local authorities must be strengthened and the dependence of local government on central finance reduced.

22. An easier procedure must be devised for increasing the statutory powers of local authorities.

23. In addition to particular statutory powers, local authorities should be given (as in Sweden and other countries) a 'general competence' to do what they think necessary for the good of the people they serve.

24. There is a need for a new organisation to represent and promote the common interests of all types of local authority in relation both to central government and to the public. This local government central office would also serve as a centre of research and information for council-members, officers and the press.

IV. Closer relations between council and public

25. The gulf at present separating 'them' (the local governors) from 'us' (the public) must be bridged and the intelligibility of local government greatly increased.

26. Elections to all types of local authority should take place every three years and on the same day throughout the country. The present variety of electoral systems is partly responsible for the fact that half the electorate does not vote at local elections and over half the seats are uncontested.

27. In even the largest authority the council should not consist of more than 75 members. Each ward should be represented by only one member.

28. The office of alderman should be abolished.

29. Seventy should be the maximum age for standing for election.

30. Co-option should be more generally used, as a means of involving in some aspects of local government a larger number of people with special knowledge.

31. Released by the council's better internal organisation from the tyranny of detailed agenda-papers and sub-committee meetings, council-members should spend much more time in personal contact with their constituents.

32. Allies must be made of schools and school teachers, so that coming generations may have more chance of regarding local government as the lively democratic activity of good neighbours, rather than something deadly, dull and irrelevant.

33. The co-operation of press, radio and television is indispensable to the success of local democracy. This calls for deliberate and continuous efforts to enable editors and skilled reporters to understand the mind of the council, even on matters which can be explained only on a confidential basis.

V. Finally

34. The proposals outlined above would, we believe, encourage more men and women to offer themselves for service in local government as members or officers. But organisational changes, whether resulting from the Royal Commission or from us, will not of themselves achieve our purpose fully. A general change of attitude is needed most of all. The characteristic *result* of local government action is seen in such material things as schools, homes, traffic signs and refuse-bins. But the *purpose* of such action is invariably *human happiness*. And the action itself is taken by *people*, for *people*. Only as local government comes increasingly to be seen in this light will it attract people 'of the calibre necessary to secure its maximum effectiveness'.

Note

We were appointed in March 1964 by the Minister of Housing and Local Government (Sir Keith Joseph) on the joint initiative of the four main local authority Associations, our original membership including eight persons serving local government as council-members and two as officers, together with seven persons from outside local government. We have met on 51 days. We submitted an interim report in May 1966 recommending (with one dissident) that councils should be free to adopt a simplified form of expense-allowance which their members might claim if they wished. The present Report is signed by all of us, subject to notes of dissent on certain points from three members.

Summary of Recommendations

(Those recommendations which require an amendment of the law are marked with an asterisk)

Chapter 3 Internal organisation of local authorities

- (1) Local authorities should conduct a radical review of the respective functions and responsibilities of members and officers (paragraph 150).
- (2) Local authorities should consider a division of functions and responsibilities between members and officers as follows:
 - (a) Ultimate direction and control of the affairs of the authority to lie with the members.
 - (b) The members to take the key decisions on the objectives of the authority and on the plans to attain them.
 - (c) The members to review, periodically, progress and the performance of the services.
 - (d) The officers to provide the necessary staff work and advice so that members may set the objectives and take decisions on the means of attaining them.
 - (e) The officers to be responsible for the day-to-day administration of services, decisions on case work, and routine inspection and control.
 - (f) The officers to be responsible for identifying and isolating the particular problem or case which in their view, and from their understanding of the minds of the members, has such implications that the members must consider and decide on it (paragraph 151).
- (3) Local authorities should adopt the guiding principle that issues are dealt with at the lowest level consistent with the nature of the problem (paragraph 152).
- (4) Local authorities should establish a managing body to be called 'the management board' composed of from five to nine members of the council (paragraph 158).
- (5) The functions of the management board should be:
 - (a) To formulate the principal objectives of the authority and to present them together with plans to attain them to the council for consideration and decision.
 - (b) To review progress and assess results on behalf of the council.
 - (c) To maintain, on behalf of the council, an overall supervision of the organisation of the authority and its co-ordination and integration.
 - (d) To take decisions on behalf of the council which exceed the authority of the principal officers, and to recommend decisions to the council where authority has not been delegated to the management board.
 - (e) To be responsible for the presentation of business to the council subject always to the rights of members under standing orders (paragraph 162).

- *(6) Those provisions in the law which require local authorities to establish certain committees should be repealed (paragraph 204).
- (7) Committees should not be directing or controlling bodies nor should they be concerned with routine administration; no committee should have more than 15 members (including co-opted members) (paragraph 165).
- (8) Committees should be deliberative and representative bodies in the sense that:
 - (a) They make recommendations to the management board on the major objectives of the authority and study and recommend the means to attain these objectives; they examine new ideas which they and other organs have formulated.
 - (b) They have a duty to review progress on plans and programmes and on the operation of individual services as the management board does for the whole range of services.
 - (c) They consider the interests, reactions and criticisms of the public and convey them to the officers and if necessary to the management board.
 - (d) They consider any matters raised by their own members or referred to them by the management board (paragraph 166).
- (9) Committees should take executive decisions only in exceptional circumstances when the management board requires them to do this. These fields of decision-taking should be strictly defined by the management board and it should be made clear that the committees issue instructions to the officers only on these matters (paragraph 167).
- (10) The number of committees should be drastically reduced and similar or related services be grouped and allocated to one committee (paragraph 169).
- (11) The Clerk should be recognised as head of the authority's paid service, and have authority over the other principal officers so far as this is necessary for the efficient management and execution of the authority's functions (paragraph 179(a)).
- (12) The Clerk should be responsible to the management board and through it to the council (paragraph 179(b)).
- (13) The principal officers should be responsible to the council through the Clerk and their terms and conditions of service be such that the Clerk's position and their own position are made clear (paragraph 179(c)).
- (14) The duties of the Clerk should include ensuring:
 - (a) The effectiveness and efficiency of the organisation and the co-ordination (and integration where necessary) of its activities.
 - (b) That the management board is adequately serviced to carry out its responsibilities by providing co-ordinated and integrated staff work and seeing that its decisions and those of the council are implemented.
 - (c) That effective control systems are devised and applied.

- (d) That, under his leadership, principal officers work as a team, that able officers are given opportunities for self-development with responsibilities to match their talents, and that initiative and innovation are encouraged.
 - (e) That secretarial services are provided for all committees.
 - (f) That an effective establishment organisation is set up to secure economy in the use of manpower (paragraph 180).
- (15) Clerkships should be open to people of all professions and occupations (paragraph 181).
 - (16) The principal officers should work as members of a team of managers and specialist advisers and see that the same approach is adopted by their staff at all levels (paragraph 182(a)).
 - (17) The principal officers should be responsible to the council through the Clerk for the efficient and effective running of the services provided by the departments of which they are the heads (paragraph 182(b)).
 - (18) The principal officers should execute the instructions of the council and of the management board and take such decisions as are necessary (paragraph 182(c)).
 - (19) The principal officers should advise the management board and the committees as necessary and provide the necessary staff work together with professional and technical advice as requested (paragraph 182(d)).
 - (20) The principal officers should be active in promoting innovation and improvements throughout the authority (paragraph 182(e)).
 - (21) Local authorities should adopt a systematic approach to the processes of management and require their Clerks to prepare time-tables to be included in management procedure guides which will ensure that objectives are set and progress reviewed in all fields of activity (paragraph 187).
- * (22) Provision should be made in the law on the following lines:
 - * Anything required and authorised under an Act to be done by a local authority may be done by an officer of the authority authorised in that behalf by the authority either generally or specifically (paragraph 194(a)).
 - * (23) Provision should be made in the law to require that a document purporting to be signed by an authorised officer containing a decision of a local authority shall be accepted by the courts (paragraph 194(b)).
 - * (24) Provision should be made in the law to allow a local authority protection in any court or tribunal from being asked to disclose on discovery or interrogatories or in evidence whether the decision has been taken by the local authority or a committee or an officer acting within delegated powers (paragraph 194(c)).
 - * (25) In all cases involving judicial or quasi-judicial considerations, local authorities should be enabled to determine for themselves how the applications should be dealt with and their decisions taken (paragraph 195).
 - (26) The members of the management board should not be regarded as responsible individually for the running of particular services or departments; this is the responsibility of the officers (paragraph 210).

- (27) Individual members of the management board should have special spheres of interest and speak on them (paragraph 211(a)).
- (28) Emphasis should be placed on the collective responsibility of the management board for what they decide as a majority and not on the individual responsibility of a member (paragraph 211(b)).
- (29) Provision should be made for principal officers to consult members of the management board but this process must not be allowed to distort the organisation pattern. The relationship between individual board members and principal officers should not result in the Clerk being 'by-passed' nor should the management board member break the unity of the board by acting independently (paragraph 211(c)).
- *(30) Local authorities should be enabled to pay management board members part-time salaries in addition to:
 - (a) the fixed expenses allowances proposed for all members;
 - (b) allowances for travel within and outside the local authority area;
 - (c) subsistence allowance for duty journeys outside the local authority area (paragraph 217(a)).
- *(31) The Minister of Housing and Local Government should prescribe the salary scales to be paid to members of management boards. These scales should be related to the salaries paid to part-time members of public boards of a commercial character (paragraph 217(b)).
- (32) Each authority should consider separating the functions of the chairman of the management board from those of the mayor or the chairman of the council (paragraph 222).
- (33) Local authorities should examine their departmental structure with a view to a drastic reduction in the number of separate departments (paragraph 227).
- (34) Local authorities should develop the use of management services, the rapidly developing tools of measurement and control including the use of computers, to the maximum (paragraph 233(a)).
- (35) Where local authorities cannot themselves justify the setting up of management services, e.g. the installation of their own computers, joint arrangements with other authorities should be established (paragraph 233(b)).
- *(36) The law should be amended to enable local authorities to terminate an officer's employment for reasons of inadequacy by the payment of a lump-sum or a pension or a combination of the two (paragraph 242).
- *(37) Appointment to principal officer posts should lie within the discretion of local authorities and should not be subject to the consent, veto or sanction of a minister (paragraph 245(a)).
- *(38) Termination of a principal officer's contract should be a matter for the local authority and should not be subject to ministerial consent (paragraph 245(b)).

Chapter 4 Relations between central government and local authorities

- *(39) Local authorities should be given a general competence to do (in addition to what legislation already requires or permits them to do) whatever in their opinion is in the interests of their areas or their inhabitants, subject to their not encroaching on the duties of other governmental bodies and to appropriate safeguards for the protection of public and private interests (paragraph 286).
- *(40) The Government, in consultation with the local authority Associations, should examine existing legislation to see what provisions might be repealed with a view to leaving local authorities the maximum freedom in organising their affairs and carrying out their work (paragraph 287).
- *(41) The Government, in consultation with the local authority Associations, should introduce legislation to provide a procedure for local government measures similar to that for Measures of the Church Assembly (paragraph 289).
- *(42) The district auditor's power of surcharge should be abolished (paragraph 290).
- (43) The Government should consider setting up an enquiry in the hope that it may be found possible to appoint a single minister who would be responsible for co-ordinating the policy of the central government in so far as it bears on the functions of local authorities (paragraph 298).
- (44) The local authority Associations should set up a central local government institution to be called, perhaps, the Local Government Central Office, which would bring together such central institutions as already exist (paragraph 311(a)).
- (45) The cost of the proposed organisation, from which all local authorities will benefit, should be shared between them (paragraph 311(b)).
- (46) The Local Government Central Office should also include sections to:
 - (i) review in collaboration with the central government the powers of local authorities and the administrative controls exerted by the departments;
 - (ii) carry out or promote research, and gather intelligence and statistics, relating to the range of services which local government provides, the internal organisation of local authorities and the development of management services;
 - (iii) operate the central staffing organisation (as proposed by the Committee on Staffing) together with the Training Board (as recommended by LGEB);
 - (iv) provide a source of information for members so that they can keep abreast of developments (paragraph 311(c)).

Chapter 5 The public and local authorities

- *(47) As part of any re-organisation of the structure of local government, councils should not have more than 75 members, and this should be regarded as the maximum figure for the largest authorities (paragraph 332).

- *(48) Electoral wards should each have a single seat (paragraph 336).
- *(49) There should be amending legislation to abolish the aldermanic system (paragraph 353).
- (50) Local authorities should make greater use of the co-optation of additional members to committees (paragraph 366(a)).
- (51) If use is made of co-opted members, then at least two-thirds of each committee should be elected members of the local authority (paragraph 366(b)).
- (52) Co-opted members should continue to have the right to vote (paragraph 366(c)).
- *(53) Each candidate at a local government election should be allowed one free postal delivery of election material (paragraph 400).
- *(54) In all authorities, councillors should retire together and the system of triennial elections should be applied in all types of local authority (paragraph 412).
- *(55) The local authority Associations should together examine the implications of holding simultaneous local elections throughout the country (paragraph 418).
- *(56) There should be an additional alternative qualification for election to a local authority, namely that the person should have had a principal place of work within the area of the authority during the whole of the 12 months preceding the election (paragraph 425).
- (57) Schools should explore every means of associating themselves with the life of the community, and local authorities should welcome and encourage efforts by the schools to play their part (paragraph 430).
- (58) Schools should make the preparation of older children to play an active and useful role in their communities in adult life an important element in the curriculum; schools should consider how they may develop in their pupils an understanding of the community's physical and social environment and the way its needs are met, and of their responsibilities to it (paragraph 431).
- (59) The syllabus for the training of teachers should include a course of study in the role of local authorities in shaping the physical and social environment and in the way local authorities carry out their functions (paragraph 432).
- (60) Closer relationships should be developed by local authorities with voluntary organisations to supplement the work of the authority and to assist in the association of the community with that work (paragraph 435).
- (61) Local authorities should institute open meetings at which the public can meet leaders of the authority and discuss and ask questions about important matters of general interest (paragraph 438).
- (62) Local authorities should set out major proposals or issues in council papers as public documents (on the analogy of 'White Papers') with a wide circulation and well in advance of debate in the council (paragraph 439).

- (63) Local authorities should give high priority in Standing Orders to Question Time and to time for debates on Motions so that members may obtain information publicly, challenge the actions of the management board and engage in debates on topics of their own choice (paragraph 440).
- (64) Local authorities should ensure that arrangements at the council offices are such that the public can gain access to responsible officers to raise matters which affect them personally; these arrangements should include the availability of officers with the capacity to deal with people's problems and the competence to give answers; there should also be provided facilities which enable people to be properly received and directed (paragraph 441).
- (65) Local authorities should ensure that there are arrangements whereby the public can be put in touch with members if they cannot obtain satisfaction from the authority's officers (paragraph 442).
- (66) Local authorities should admit the press to meetings of committees which have the functions explained in Chapter 3 but it should remain within local authorities' discretion to decide whether or not to admit the press and to decide whether and to what extent agenda and supporting documents should be circulated to the press (paragraph 462(a)).
- (67) Local authorities should regard the press as partners in the process of informing and educating the public (paragraph 462(b)).
- (68) Local authorities should appreciate the difficulties which face the press (e.g. limitations of time and the variable calibre of reporters) and should come to mutually convenient arrangements for the handling of material (paragraph 462(c)).
- (69) Local authorities should provide adequate facilities for the press such as press rooms and access to, and free use of, telephones (paragraph 462(d)).
- (70) Local authorities should use the opportunities which occur to publicise their achievements and explain their policies on radio and television (paragraph 464(a)).
- (71) Local authorities should ensure that whoever appears on their behalf on radio or television is able to make full and effective use of these media (paragraph 464(b)).
- (72) The Local Government Information Office should be part of the proposed Local Government Central Office and should contribute to the presentation of the unity of local government (paragraph 470).

Chapter 6 Elected members

- * (73) There should be legal provision that a person aged 70 or over is disqualified from standing for election to a local authority (paragraph 514).
- (74) The local authority Associations should seek the establishment at universities and colleges of training courses for council-members (paragraph 523).
- (75) Employers should accept that the release of their staff for work as members of local authorities is in the public interest (paragraph 532(a)).

- (76) Employers who do grant release to their employees for work as members of local authorities should allow their release for at least 18 days a year (paragraph 532(b)).
- (77) The period of release should not be deductible from any holiday entitlement of the employee (paragraph 532(c)).
- (78) Legal sanctions should be retained which require a member to declare a pecuniary interest and which prevent him from speaking or voting on a matter in which he has an interest unless dispensation is granted by the appropriate Minister (paragraph 549).
- *(79) The law relating to pecuniary interest should be consolidated and simplified (paragraph 550).

The Committee's Procedure

Appointment and terms of reference

We were appointed on 3 March, 1964, by the Minister of Housing and Local Government at the request of the four main local authority Associations, with the following terms of reference:—

'To consider in the light of modern conditions how local government might best continue to attract and retain people (both elected representatives and principal officers) of the calibre necessary to ensure its maximum effectiveness'.

2. We were concerned with local authorities in England and Wales, and not with those of Scotland and Northern Ireland. The London County Council (now the Greater London Council), the metropolitan borough councils (now the London borough councils) and parish councils were outside our terms of reference. The structure of local government, in the sense of the size of authorities in terms of population or area and the distribution of functions amongst authorities of different types, was outside the scope of our enquiry.

Evidence

3. Together with the Committee on Staffing¹ (which was appointed by the Minister in parallel with our Committee) we called for written evidence by public advertisement and by sending a request to 130 institutions and societies. The final date for the statement of written evidence was 23 April, 1965. We received a total of 209 submissions of which:

- 24 were from local authorities;
- 51 were from professional bodies;
- 38 were from institutions or societies;
- 96 were from private individuals.

A list of witnesses who submitted written evidence is in Appendix A. Some of this evidence was published independently by those who submitted it and we have quoted from published evidence where the material is appropriate. Where evidence has not been published independently, we asked witnesses whether they agreed to our using material directly or indirectly in our Report. The list in Appendix A is annotated to show which witnesses agreed to our quoting their material in whole or in part.

4. We heard oral evidence from witnesses with a particularly wide knowledge of local government, from those whose opinions we were anxious to know even though they had not submitted written evidence, and from others who had themselves submitted written evidence about which we wanted further explanation. Oral evidence was not recorded verbatim, nor was it heard in public.

¹ The terms of reference of the Committee on Staffing were:

'to consider the existing methods of recruiting local government officers and of using them; and what changes might help local authorities to get the best possible service and help their officers to give it'. The Committee's Report was published by Her Majesty's Stationery Office in March, 1967.



Where we quote from oral evidence, the permission of those concerned has been obtained. A list of those who gave oral evidence to the Committee is in Appendix B.

Research

5. It was necessary for us to have some knowledge of the sort of people who serve local government as members², of their attitudes towards local government and of those of the electorate. It was agreed that the Government Social Survey should carry out an enquiry for us amongst local government members, ex-members and the electorate. The reports of the enquiries of the Social Survey, 'The Local Government Councillor' and 'The Local Government Elector', are in Volumes 2 and 3 of our Report.

6. A conference was convened at Nuffield College, Oxford, in June 1964 to consider how academic research might assist our enquiry. The conference recognised that the Committee's research needs were likely to be fourfold:—

- (a) to take advantage of relevant research work which had already been undertaken or which was currently in hand in the local government field;
- (b) to stimulate or commission research into aspects of local government which were likely to be of particular interest to the Committee and about which facts and information were at present lacking or incomplete;
- (c) to distil overseas experience; and
- (d) to ensure that research was properly planned, co-ordinated and brought to our notice in good time and in an assimilable form.

We were fortunate in securing the services of Dr. A. H. Marshall, CBE, City Treasurer of Coventry, who was about to join the Institute of Local Government Studies in the Department of Local Government and Administration of the University of Birmingham. He accepted responsibility for planning and co-ordinating our research needs within the broad pattern of requirements indicated at the Nuffield College Conference. To assist Dr. Marshall we engaged the services as research workers of Miss M. M. Harrison, MA, Mr. Gerald Rhodes, BA, and (in replacement of Mr. Rhodes in June 1965) Mr. Alan Norton, MA.

7. The research material falls into two distinct parts:—

- (a) Reports of studies of local government administration in Eire, Sweden, Canada and the United States of America, the Netherlands and West Germany, prepared for us by Dr. Marshall; these studies are set out in Volume 4.
- (b) Reports on local government administration in England and Wales prepared for us by Miss Harrison, Mr. Norton and Mr. Rhodes; these reports are set out in Volume 5.

8. A number of other academic workers interested themselves in research work for us and the results of their enquiries into the aldermanic system and the work of children's and housing committees are included in Volume 5.

² Generally we use the word 'member' in this Report to cover both councillors and aldermen. The word 'councillor' is used to draw a distinction between 'alderman' and 'councillor.'

Visits by the Committee

9. Some of us paid a series of visits to local authorities, in order that we might have a wider understanding of the problems of internal administration of local authorities and might hear at first-hand from members and principal officers³ of some of the difficulties which face them. A list of the local authorities we visited is in Appendix C. Some of us were able to obtain a first-hand picture of local government administration abroad by visiting local authorities in West Germany, the Netherlands and Eire. One of our number joined a member of the Committee on Staffing on a visit to study the work of the Swedish Local Government School at Sigtuna, which undertakes training of both members and officers.

The Committee's own meetings

10. We met on 46 occasions covering 51 days. Because of the close relationship between our work and that of the Committee on Staffing, we made various arrangements to ensure co-ordination. Some of us attended meetings of that Committee and we also met with some of its members in a Joint Working Group to give special attention to matters where our terms of reference interlocked. We also shared in a common secretariat.

Notes of dissent

11. Three of our number felt unable to support certain of our recommendations and they have written notes of dissent which appear at the end of the Report. These notes of dissent relate to:—

- (a) the functions of the proposed management boards and of committees dealt with in Chapter 3 (Sir Andrew Wheatley);
 - (b) the payment of members of management boards dealt with in paragraph 217 in Chapter 3 (Sir Philip Dingle);
 - (c) pecuniary interest dealt with in paragraphs 549 and 550 in Chapter 6 (Sir Philip Dingle and Mr. F. V. Magness).
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³ Although the term 'chief officer' is generally used in local government to denote a head of department in an authority, we use the term 'principal officer' to conform with our terms of reference. We emphasise that the term 'principal officer' as used in our Report does not necessarily refer to all officers who are graded on the principal officer salary ranges I and II which were introduced by the recent revision of the national salary structure laid down in the 'Scheme of Conditions of Service' of the National Joint Council for Local Authorities' Administrative, Professional, Technical and Clerical Services; nor does it refer only to those officers who are known as 'designated chief officers' and whose conditions of service are settled by the Joint Negotiating Committees.

Local Government at Home and Abroad

INTRODUCTION

12. The first stage of Dr. Marshall's enquiries into the local government system in this country at committee and principal officer levels involved a request to all county, county borough and non-county borough councils and a third of urban and rural district councils to complete a questionnaire on a wide range of aspects of their administration. Later, 32 Clerks, representative of all the main statutory types of authority, gave extended answers to a supplementary questionnaire. At the same time, personal investigations were made by the research workers, who visited 13 authorities in England and Wales, chosen to include all the main types and to give a wide variation of size and geographical area. In addition, following a conference of university teachers concerned with government institutions, a number of academic workers, named in Volume 5, agreed to make studies in certain other authorities and to supply further information on special topics. The results of all this work are combined in the reports in Volume 5.

13. When we came to consider foreign practices we found the dearth of information about local government in action to be almost absolute. Dr. Marshall therefore agreed to visit six countries where, with the assistance of ministries and associations of local authorities, he enjoyed free access to local authorities for the specific purpose of studying their administration. His reports are printed in full in Volume 4.

14. Canada, Eire, the Federal Republic of Germany, the Netherlands, Sweden and the United States were chosen as examples of countries with local authorities firmly established on an elective basis, all but one carrying out a range of duties broadly similar to their English counterparts. Eire, exceptional in the limited range of its local government, was included because of the adoption there of the manager system. We are well aware that each country must fashion governmental arrangements in the light of traditions and current needs, social, economic and cultural, and we realise that political institutions cannot be transplanted from one country to another. But this does not mean that foreign practices are irrelevant. Indeed a reading of this Report will show that they have assisted us in many ways. In particular they have provided working models of several different forms of internal administration, whilst many other points of interest are brought out in the individual reports, in which local government in the various countries is set in its political and social context.

15. The purpose of this chapter is to highlight those significant aspects which have helped us most in our deliberations and conclusions and briefly to compare them with English practice. Points for comparison fall into two classes. First there are features which we have found to be interesting and helpful in a general way: members and their councils, the role of political parties, the public and the press, and the flexibility of local government. Secondly there are three major respects in which foreign practices have influenced our recommendations or

comments: the degree of local autonomy, the extent of financial resources, and the internal administration. We consider each of these aspects in turn in the following paragraphs, briefly comparing them with the corresponding English practices which are dealt with in greater detail in other chapters.

16. In putting forward these comparisons we would disavow any wish to suggest that English or Welsh local authorities are inferior.¹ On the contrary it is abundantly clear to us that they provide local services as good as any in the world. Further, local government in this country is by no means static, as the recent reorganisation of London government, much admired abroad, testifies. We could not fail to be impressed by the zeal and integrity of members and officers; nor could we be unaware of the efforts being made in some authorities to adapt the existing practices to current needs. We were, however, brought into existence because local authorities themselves wished to make local government more attractive to potential members and officers. Our concern therefore is not with the many virtues of English local government, but rather with finding improvements.

MEMBERS AND THEIR COUNCILS

17. Local councils are larger in England than in most countries. English county councils have on average 86 members; county borough councils 57; rural district councils 32; non-county borough councils 26 and urban district councils 16. Most of the new London borough councils have 70 members. Our largest councils have memberships of over 150. Not all members are directly elected; a quarter of the members of county and borough councils outside London and a seventh of those in the London borough councils are aldermen, chosen by the councillors for a six-year period.

18. In the United States a council of 15 members is large. In the Netherlands and Eire a council of 25 would be regarded as of considerable size. Swedish and German local authorities are somewhat larger. In all these countries aldermen in the English sense are unknown, which appears to be one reason for the lower average age of members abroad. Members are usually elected for terms of two to four years. There is no parallel to the annual election of a third of the members in some English authorities. In so far as there is a trend, it is in favour of longer rather than shorter periods, e.g. the extension in Eire to five years on the ground that this is the minimum period in which a member can be expected to make an effective contribution to the direction of policy and long term planning.

19. Members are more likely in Sweden and Eire than in England to be members of the central legislature; in Sweden 85% of the members of the legislature are also council-members while in Eire as many as 90% of the present Dail are members or ex-members of councils.

20. None of the countries reported serious difficulty in finding candidates, though some misgivings about the future were expressed. There were no complaints about the quality of candidates comparable with those voiced in evidence to us and in the course of the research enquiries in this country. We would judge the office of member to have, in general, as much standing, and to be, in

¹ Later references in this chapter to England include Wales.

some places at least, rather more attractive to potential candidates than in England. The possibility of membership proving a stepping stone to the central parliament is an added incentive to candidates. It seems however that the people of the highest ability are rarely attracted to local government anywhere, except perhaps to the office of mayor and to the corporate executives in some of the largest North American and German cities.

21. In England and Wales agendas are often heavily loaded with details for confirmation. It is the practice in many authorities to report the full minutes of every committee to the council, so that the member may receive hundreds of pages of business items every month.

22. Abroad, the existence of a separate 'executive' body or person, and the greater delegation to officers (both described later in this chapter), combine to protect the members from these overlaid agendas. In general members receive much less paper to read, but council meetings are not necessarily short, for everywhere there are many acts, e.g. connected with land and property, which must be approved by the council. The advent of planning, a controversial subject everywhere, has also lengthened council meetings. Also in North America many councils see deputations of electors, especially where committees are not widely used. However, topics which interest members are much the same, so that the difference between council meetings abroad and here is one of degree rather than of kind.

23. Evidence in favour of making at least some payment to members, either by way of salary or a daily allowance, can readily be adduced from foreign practices. But the relatively small size of councils abroad and the varying attitude of employers to allowing employees elected to local authorities to absent themselves without loss of pay have to be borne in mind. American council members may receive anything from £100 to £2,000 (or even more) a year. Canadian pay is somewhat less generous. German and Swedish authorities pay members two, three, or four pounds a day, according to the time involved. In Sweden part-time chairmen, of whom there may be a considerable number in every authority, receive a salary of from £50 to £400 a year; full-time mayors and members of executives have much higher pay. For instance, the full-time board chairman of a Swedish authority gets a salary equal to, or somewhat above, that of the highest officers.

THE ROLE OF POLITICAL PARTIES

24. In England and Wales a high proportion of those authorities with substantial urban development operate on party political lines. In these the majority party is in a strong position to assume exclusive control of the authority's business since it is likely to hold the most important chairmanships and at least its proportionate share of the seats on influential committees. Political issues are discussed and important decisions taken within party groups which operate outside the committee structure and are not limited to members of the council. The groups are deprived of direct professional advice because officers hold non-political appointments. These are the servants of the council as a whole, and operate only through constitutional channels.

25. Although in many authorities in this country party controversy is restricted to a comparatively small number of issues, and the bulk of the business is transacted on non-party lines, some members seek to make party political capital in committee out of points of niggling detail, while in council meetings party acrimony is common even in authorities where committee discussions are balanced and reasonable. There is also a tendency in some authorities for co-opted members to be appointed on a political basis.

26. Abroad, politics enter into local government in different ways in the various countries. In Europe members of local authorities are likely to be elected on a party ticket and by proportional representation, while American local authorities often operate on a non-party basis, and Canadian authorities invariably do so for Canadians dislike party politics in local government. It is extremely interesting to find that, whether the elections are on a political basis or not, the council as a whole is regarded as governing. Hardly anywhere is local government responsibility laid at the door of the majority party as it is in the case of central governments.

27. In these other countries committees and executives usually reflect the political composition of the council, and it is not uncommon for a small party to be given representation on an executive even though its numerical representation does not warrant a seat. (In Sweden parties have by law a right to claim seats on committees proportionate to their membership on the council.) Cabinet government is practically unknown, and officers serve the council as a whole, rather than the majority party.

28. This is all made easier in practice because party disagreements are normally kept to major matters of party ideology; the Swedes, particularly, pride themselves on their willingness to find generally accepted solutions to awkward problems. In Eire, where the points of divergence between the two main parties are in any case difficult to identify, the party standpoint emerges even less frequently in council debates.

29. In short, notwithstanding the notorious use made of party machinery in some American cities, in none of the countries do the parties appear to be permanently embattled. Whether there are any authorities which press party discipline as far as is done in a few English industrial towns is hard to say. Except in the diminishing number of cities where the spoils system prevails, party politics seem to be in general less obtrusive in North America than in Europe, even where local authorities operate on party lines; they are also regarded with some suspicion. One reason for the existence of so many separate boards in the United States is a wish to keep individual services such as education, parks or the utilities out of politics. It is also significant that the advocates of the manager system have traditionally regarded non-partisan authorities as those where the manager could best operate.

30. It is always difficult to assess the influence exercised behind the scenes in group meetings and informal party discussions and it is impossible to generalise for a group of countries. Obviously group meetings take place and make major decisions where party government prevails. Careful reading of the reports in Volume 4 suggests, however, that fewer matters come before parties than in many authorities in this country: first because outside England local councils

themselves deal with far less detail, and secondly because in many places few matters for a variety of reasons seem to be linked with political considerations.

31. In any case the relations between parties and local government officers are greatly simplified where, as is the position in many countries, there are political department heads or members of political executives with departmental responsibility. We have the impression that non-political officers, as in England, do not advise parties or attend their meetings.

32. However detailed our enquiries had been, we could not have generalised about the desirability or otherwise of running local authorities on a political basis. Nor could we have made explicit comparisons between English and foreign practice. But it is clear that party government has the same advantages overseas as it has here: ideological drive, greater coherence, clearer responsibility and more consistency. The same disadvantages are also apparent: restrictions of choice of candidates to the politically minded, tendency to a doctrinaire approach, the making of decisions behind the scenes, appointment to chairmanships and other offices on the strength of services to the party, and partisan treatment of neutral business.

33. The presence or absence of local parties does not determine the quality of local government. Both at home and abroad instances of good and bad partisan authorities can readily be found. At the same time, while many non-party authorities are efficient, others lack the direction which party government would bring. All we can say is that in some places party government is preferred while in others it is considered to be detrimental and, further, that places vary in their capacity to make this work without abuse. England manages relatively well, though there is evidence that in a minority of authorities parties tend to have too much of a stranglehold in day-to-day operation, and members follow the party line with a regularity which seems to many observers forced and unnatural, and precludes the possibility of creative discussion. There is also a tendency for officers' initiative to be inhibited in strongly partisan authorities.

THE PUBLIC AND THE PRESS

Participation

34. European practice in the countries concerned is to leave elected bodies to manage the public affairs entrusted to them without the need for ratification of individual proposals by the electors. In England almost the sole exception to this is the procedure for obtaining the electors' consent to proposed clauses in private bills promoted by the authority. Nor, in general, do European local authorities, including those in England, carry on elaborate consultations with citizens' associations or, with the exception of those in Sweden, show great enthusiasm for co-opted members. Thus English authorities make limited use of the power of co-option, except where it is required by statute or has been written into the constitution of a committee on ministerial advice. Our research in England found a lack of enthusiasm for the practice, conditioned, in some cases, by the extent to which it has become a spoil of the party system rather than a way of broadening the qualities of committees. The same reluctance is noticeable in the Netherlands where a recent attempt to induce local authorities to draw citizens in to committee work has met with little enthusiasm. In Germany

co-opted members are hardly used at all, with the notable exceptions of Berlin and Hamburg, cities which have a proud tradition of district and sub-district committees, largely composed of persons who are not members of the city council.

35. Government by town meetings in some small towns in the Eastern American states, the widespread use of referendum and initiative in the United States and (to a lesser extent) in Canada, the co-options to committees of so many members of the public in the United States, are examples of the entirely different approach in North America from England, the Netherlands and Germany. Other forms of citizen participation appear in the United States and Canada in the shape of research associations, pressure groups, and voluntary associations of many kinds, which all play an active part in local government. Local authorities across the Atlantic not only heed and consult them, they even employ them to undertake enquiries.

36. Sweden's practice falls part way between that of North America and that of other European countries for co-opted members play an important part there. Sometimes they are in the majority on committees and are everywhere accorded a status in committee much closer to that of the elected member than in this country. Sweden does not however draw upon citizens and their organisations in the North American way.

Voting

37. In the remaining test of public participation, that of the percentage of votes cast at elections, England shows up badly compared with the European countries (the North American situation varies widely). The overall figure for England is 40% and many seats are uncontested. In Sweden some 80% of the electorate attend the poll; in Germany the figure is 70%; in Eire the percentages for the last three elections were 58%, 60% and 54%. The Netherlands figure of 90% is not comparable because there the voter is required by law to report at the polling station, though he is not compelled to vote.

Public interest and press relations

38. There seems to be no country where interest in local government affairs is widespread among the public. The small American dormitory communities might perhaps come nearest to this position. In general the public shows limited interest. Attendances at council meetings are very small everywhere, despite the publicity given to local government by local newspapers which serve local government well in each of the countries. The newspapers and the local authorities' own public relations departments operate in much the same way and on much the same scale as in England. In general, American and Canadian newspapers wield more power than those in Europe, and members and officers take great care of their press relations. Press support matters a great deal to them, for they could not afford to take the independent attitude adopted by some English local authorities.

Local government and democracy

39. We have found no evidence to support the common belief that our local government has some uniquely democratic content. Whether the test is public

interest, as exemplified by the percentage poll at elections, or the extent to which members of the public, individually and in their associations, are drawn into its processes, our local government does not appear to be especially democratic.

40. The idea that English local government is peculiarly democratic originates in the participation of the members in so much detail. For, unlike the members abroad, they believe, mistakenly in our opinion, that democratic government implies that to discharge their duties they must leave as little as possible to the officers. As we explain later, we believe this misconception to be the root cause of local government's administrative troubles, and therefore the reason for our appointment.

FLEXIBILITY OF LOCAL GOVERNMENT

41. English local authorities individually, and through their associations and professional bodies, have been responsible for many improvements in local government services and procedures. Every parliamentary session sees local Acts promoting new ideas on such subjects as the control of gypsy encampments, provision for old people or methods of borrowing. That local authorities show initiative and imagination in making use of their statutory powers hardly needs demonstration. If visible proof is needed it is provided by their achievements in reconstructing and redeveloping city centres since the war, enterprises upon which they embark of their own free will and not as the result of exhortation in circulars from the central government.

42. Nor have local authorities always been unwilling to surrender their individual sovereignty. They have combined for sewerage and water schemes, have formed consortia for the construction of buildings and have made joint appointments of officers. Of late a few authorities have shown themselves willing to experiment in informal administrative arrangements by appointing chief executive officers as such. Local authorities in this country cannot therefore be accused of a complete lack of flexibility.

43. But on the whole the impression left by a comparison of our arrangements with those of the other countries concerned is one of our relative rigidity. An English local authority is accustomed to carrying out exactly prescribed duties with its own staff. These duties vary but little from place to place. Joint action between authorities is not popular. It is often disliked and consequently is not always successful. Delegation by one authority to another has hardly been a success. The sharing of officers' services is, in general, limited to medical officers. Relations between county and county borough councils and county and county district councils are sometimes far from satisfactory. Local authorities make a limited use of voluntary agencies or of individual citizens, whether as co-opted members or otherwise.

44. The detailed reports on foreign practice printed in Volume 4 give a general impression of a more relaxed and pliant state of affairs. The contrast is greatest with Germany and Sweden. Local government in Germany is honeycombed with arrangements for joint action, shared officers and voluntary rearrangement of duties between levels of government. Local authorities both in Europe and North America discharge many tasks by co-operation with outside agencies and make far freer use of voluntary associations. It is difficult to generalise, but the results

seem to be: more elbow room, more opportunities for experiment, more ways of harnessing local enthusiasm and support, less tendency to wait for new tasks to be laid upon authorities on an appointed day, and less temptation to the central authorities to lay down the ways in which duties are to be discharged. The lack of flexibility in England is relevant to our terms of reference in so far as it reduces the area of discretion of local authorities and so makes membership of them less attractive to people of ability. It is both cause and effect. On the one hand the hankering after clear-cut arrangements is encouraged by the categorical nature of so much of our legislation. On the other hand, the difficulties of inducing local authorities to act together, or to combine with outside agencies, reinforces the central government's liking for provisions which allow little latitude.

LOCAL AUTONOMY

45. In England and Wales the freedom of local authorities is circumscribed by a strict application of the principle of *ultra vires*, which means that they must be able to point to specific statutory sanction for every act. It is further limited by ministerial regulations, the need to obtain frequent consents from government departments to proposed courses of action (or even, in some cases, to incidental details) and a rigorous control over capital expenditure. This subordination, reinforced by a central government audit, with power to surcharge members and officers for expenditure incurred without legal authority, hinders internal reorganisation and inhibits enterprise. Long-term financial planning over the whole range of an authority's business becomes difficult, if not impossible, because of dependence on unpredictable consents, usually given by individual ministries without knowledge of their effect on the remainder of an authority's programme and often explained only by expediency. Thus is strengthened the tendency for service committees and principal officers to look primarily to central departments to sanction their projects rather than to a directing body of their own authority. At the same time fragmentation of purpose, so prominent a feature of our local government system, is accentuated because of the absence of co-ordination between government departments.

46. In North America and in the three continental countries a different attitude prevails. In Sweden, particularly, relations between central and local government are cast in a different mould. Such control as exists is managed with a lighter rein. Few actions of local authorities need prior approval, whole blocks of activity are almost entirely free from central direction, the central government is willing to trust to the political wisdom of council-members (for example, in the matter of settling the level of payment to members), local authorities are allowed to improve (at their own expense) services administered on behalf of the state, and local authorities determine their own form of audit. These are but a few of many significant features. Even loans are less rigorously controlled. Local authorities can borrow, for short terms not exceeding five years, up to an amount equal to 5% of their taxable income, and for larger sums and longer periods the administrative procedure is much less exacting than that of securing a loan sanction in England. It is not surprising to find that the minutes and correspondence of local authorities abroad are concerned to a far less extent with transactions involving ministries.

47. In neither the United States nor Canada are local authorities visualised as agents for carrying out a national policy in the same sense as in this country. For instance, the report in Volume 4 on local government administration in Canada and the United States of America shows the latitude allowed to local authorities in administering welfare services largely paid for by the federal government; in other words, the local authorities participate in a federal programme rather than carry out an agency function. We could find no parallel for the tendency of the English public, and even some members of the Public Accounts Committee or the Select Committee on Estimates, to hold ministers responsible for the actions of local authorities.

48. In Sweden, Germany and Holland this difference of attitude is related to the enjoyment by local authorities of a 'general competence', enabling them to render whatever services the community needs, provided they do not encroach upon the functions of other authorities. Their duties are not limited to those specifically prescribed by the law. Local authorities in such circumstances have naturally over the years built up a wide range of duties e.g. they may maintain forests, savings banks, hotels, district heating and many cultural and entertainment activities. Furthermore, local authorities can join with other kinds of enterprise—voluntary, co-operative, and joint stock.

49. Perhaps even more important than actual extension of power, is the different atmosphere in which a local authority enjoying general competence operates. The members think in terms of the citizens' needs as a whole, and regard themselves as responsible for local well-being. Central supervision also assumes a different form. Ministries concern themselves with the general conduct of local authorities, for there are far fewer laws and regulations relating to individual services. The existence of a general competence thus makes a very real difference to the outlook of both central and local authorities, and it encourages the public to think in terms of the responsibility of the local authority when in England they would turn to the central government. An unsavoury local incident in these countries is more likely to bring about the dismissal of the mayor or council at the next election than a demand for an enquiry by higher authority.

50. We would add that in the two countries where the doctrine of *ultra vires* is applied in the English way its rigours are in practice modified. In the United States far less has been heard of the doctrine since so many cities obtained 'home rule' charters. In Canada a liberal interpretation of the principle has been an accepted, though perhaps uneasy, feature of local government for many years. Thus, from the point of view of freedom of action, English local authorities compare unfavourably with other countries operating the *ultra vires* doctrine as well as with those enjoying general competence.

FINANCIAL RESOURCES

51. The narrowness of power allowed to local authorities in this country is nowhere better exemplified than in the financial field. Over half the moneys they need after crediting incidental income are derived from central grants. The balance is met from a single local tax: the rates, a valuable but regressive tax. Central government reserves to itself all other taxes, including all those which are the most productive, progressive and elastic. There is a lamentable disparity between

the financial responsibilities of local authorities and the taxable resources allotted to them. Their development is thus greatly influenced, and in many directions determined, by the government grants available.

52. Our researches abroad have brought out very clearly the close connection between freedom from central control and the possession of adequate local taxable resources and have furnished us with examples of both good and bad models. In Sweden the local authorities are relatively rich because of the local income tax. Many urban areas draw only a small proportion of their net income (after crediting receipts) from grants, and the overall figure for the whole country, including many sparsely populated areas, is only 36% (England and Wales 52%). Swedish authorities enjoy a large measure of freedom. In Germany the average figure is 46%. There, the government is at present considering proposals to give local authorities a local income tax somewhat on the Swedish lines, though local authorities already enjoy both a local rate and a productive trade tax. German authorities too have great autonomy.

53. In the United States the corresponding figure is 35%—almost the same as Sweden. American authorities face the problem of mounting expenditure, and complain of dependence on the property tax. But it is significant that, confronted with demands for improved services, they have despite conservatism in many states since the 1920's found additional local taxes: the property tax, which then produced 97% of the local tax income, now produces 87%, new taxes making up the balance.

54. Clearly, in comparison with these countries, English local authorities show up badly in their tutelage to the central government, both administratively and financially. There is surely food for thought in Sweden's ability to use local authorities to a greater extent than is done in this country without curtailing their freedom, and in the current German proposals to widen the local tax base although on our standards it is already comparatively broad.

55. The relation between autonomy and independent revenues is confirmed by considering the situation in the Netherlands and Eire, two countries with inadequate revenue of their own. In the former, local authorities are mainly financed by a share of central government moneys, local taxes being negligible. The result is that they have only the most limited control over their total expenditure, which has to be adapted to an allocation from central taxes bearing some relation to their needs but none to their individual expenditure. In Eire, which depends on the government for 50% of its tax income though it does not bear the cost of primary and secondary education nor of police, central control is the most stringent of all.

56. Local taxation as such is outside our terms of reference. We are however convinced that the relatively unfavourable financial position of English local authorities is a major cause of the widespread frustration in local government. Rates are a valuable tax, but should not be expected to bear the whole weight of local taxation. We would regard it as imperative that any reform of our local government system should be accompanied by the allocation of additional financial resources to local authorities, and we would put forward the information in this paragraph and in Volume 4 as indicating the greater success of some other countries in this connection.

The committee system

57. In English local government each major function, or group of functions, is the responsibility of a committee. The committees submit recommendations to the council, very few of which are normally referred back or rejected; they may in addition exercise certain delegated powers. They may not only determine the scope and organisation of a department's work, subject to the availability of resources, but also undertake a large miscellany of lesser functions, such as interviewing for appointments (even at assistant caretaker level in some cases), authorizing repairs to buildings, granting leave to employees to attend courses, deciding on furnishings for welfare homes and allocating individual tenancies. Many committees approve in detail all items of expenditure by officers in the department for which they are responsible, down to quite small amounts. It is not surprising that English local government committees are said to 'administer' the service.

58. In other English authorities on the other hand the most detailed matters may be delegated to officers or dealt with by them as an accepted part of their duties. There is in fact little consistency of practice between authorities or even, in some cases, between committees of the same authority.

59. A large local council may have up to 35 full committees, each with its own chairman and vice-chairman. Committee memberships are large. For example, the majority of education committees have more than 30 members, and housing committees in relatively small authorities often number over 30. The bulk of committees have between 10 and 30 members, but committees of over 100 are not unknown. County and county borough councils have on average, in addition to about 20 full committees, between 40 and 50 sub-committees, as well as a large number of *ad hoc* committees and sub-committees. The busiest committee activity is in county borough councils, which on average hold 244 meetings of full committees and 235 meetings of sub-committees in one year. Meetings often last for several hours. To be a member of a council may be very time-consuming, for example members of county borough councils claim to spend on average 18 hours a month in attendance at committees and council, and some of the more active members spend a great deal more time than this at meetings in addition to all their other activities.

60. This degree of committee activity brings in its train a large problem of co-ordination. To establish some uniformity of practice, to oversee common services and to provide control over the use of general resources, 'horizontal' committees such as finance, establishment and general purposes committees have been established. In addition, in the larger authorities joint co-ordinative committees are set up and *ad hoc* meetings arranged between members of different committees on matters of common concern. Party machinery may also play a significant part in the attempt to achieve a measure of cohesion. The general conception is that of an assemblage of committees, each carrying out its own special duties and championing its own causes, with reliance on horizontal committees, personal contacts, party machinery and the efforts of officers to achieve co-ordination.

61. Without leadership and without someone to speak for it, a committee is likely to be ineffective. To meet these needs, to provide a bridge between the committees and the council, and between the committees and the officers and generally to provide a focus of responsibility for service within an authority, the role of chairman of committee has developed as a prominent feature of the system. The chairman may be much more than a leader and a spokesman. He may play an important part in making policy, in effecting co-ordination between committees, in taking decisions, whether urgent or of a routine nature, and in championing his service and 'putting it over' to the press and public. He may acquire an identification with a service which is not without its dangers, for it may increase the force of the centrifugal tendencies which characterise the committee system and thereby make it all the more difficult to visualise and promote the good of the whole; a chairman is not easily persuaded that his committee could be abolished.

Executives

62. Practice abroad provides a very sharp contrast. As in England the council is supreme; it makes the major decisions, passes the budget, exercises delegated legislative powers, disposes of property and decides the form of the administration. But there is another organ, the 'executive' which is subsidiary but nevertheless important. The executive is the council's adviser and medium of administration. It prepares the council's business, carries out its decisions and supervises the departments. Recommendations, in general, reach the council through this executive.

63. Committees are to be found in most local government systems, even where, as in the extreme form of the manager system, they have theoretically no place. But with a few exceptions they are used to enquire, to discuss and to recommend, not as in England to administer. They are regarded as a means of avoiding the isolation of the executive, of keeping the members in touch with day-to-day affairs and of providing the officers with a ready place of reference. Nowhere are they to be found appointing caretakers; nor, save in Sweden, are sub-committees common, except for limited and often temporary purposes. Both Germany and the Netherlands have strong executives but make considerable use of committees.

64. By concentrating responsibility in the executive and confining any committees which may exist to the work for which they are most suited, many of the difficulties experienced in English local government are avoided. Local government is thought of as a whole, not as a bundle of disparate services needing to be reconciled. Relieved of the minutiae of committee work, members are able to keep in closer touch with the public and with outside organisations. Demands on time being less, membership of a local authority appeals to a wider class. Finally there is much greater expedition because the day-to-day work proceeds unimpeded.

65. *Forms of executives.* The local government executive abroad can take many forms as the studies in Volume 4 show. A treatise would be needed to classify them. Some are composed of a single person (e.g. a mayor), others are corporate. Separate election, appointment by a higher authority, appointment by the

council itself, are the chief methods of selection. There is also the quasi-ministerial system of Stockholm, a rare phenomenon however in local government. The characteristics and advantages and disadvantages of the various kinds of executive encountered in the research are considered in some detail in Volume 4.

66. There is something to be learned from them all: the dynamism of the strong mayor, the integrated administration of the manager, or the effective blend of political and official experience found in German mayors and Magistrate, the Edmonton board in Canada and the Dutch Burgomaster. We do not think that an independently elected or appointed executive would find favour in this country; nor are English local authorities likely to hand over everything except the most important decisions of all to an officer of the manager type.

67. The Swedish executive board of at least five members (usually more) provides an example of an executive elected by the council from among its own members and it reflects the political composition of the council. Responsible for all the duties of an executive outlined above, it is the king-pin, and its chairman—full-time and paid in all sizeable authorities—is the most influential local personality, though the board's responsibility is corporate. In most countries strong executives imply committees with restricted powers. Sweden is an exception, for there the executive boards operate in conjunction with committees, which consider new policy, supervise the services (though delegating much more to officers than in England) and take an interest in staff appointments. Major matters, those affecting other departments and those likely to prove controversial, are passed to the executive board, usually with a recommendation; lesser issues are settled at committee level. (The main reason for the extensive use of committees is the desire of the Swedes to involve large numbers of citizens in the process of government. Co-opted members may be in a majority on even important committees.)

Delegation to officers

68. These more effective forms of administration are made possible by the different attitude to delegation which prevails in foreign countries, a matter on which we now make some observations. Local government involves everywhere a wide range of activity, from deciding upon major development plans to emptying the dustbins. The actual work is of course done by paid servants; members do not write the council's letters or repair the streets. The difference between the foreign systems under examination and ours lies in the determination of the kind of matter for which officers must obtain formal approval for what they propose to do. We are not at this stage concerned with the part officers play in helping members to arrive at decisions but merely with the place where the formal responsibility for the decision lies. Other countries do not fix these points by attempting to distinguish between policy and administration, or by any other classification related to the nature of the decision. Nor do they work on the assumption that the members make decisions and the officers carry them out. They find, as we do, that most kinds of transactions, or classes of transaction, raise at some time or other questions of public interest with which members should be acquainted and which they should be called upon to decide. It is not only in England that the public can overnight become sensitive about an estab-

lished practice, that officers find themselves making new policy in applying decisions, and that difficult border line cases occur. All this is not surprising in the light of the diversification of local government services and their influence on the lives of the citizens.

69. Yet in all the countries examined, the local authorities manage to delegate much more to officers than is the practice in this country. How is this accomplished? What they do in effect is to reserve only matters of major importance to the members—major schemes, plans, objectives, new policies and so forth. Members delegate the day-to-day work to officers in the knowledge that in the exercise of their delegated powers officers will encounter transactions which, though normally of a routine nature, have acquired political overtones, or which suggest need for a modified policy. Authorities rely upon the officer to carry such cases to the members, just as a senior officer relies upon his juniors to call his attention to an unusual or difficult case. In this way they allow the routine work to proceed unimpaired and, at the same time, free the members from a vast amount of tedious and time-wasting detail.

70. This however does not exhaust the matter for two reasons. First the members cannot be completely divorced from the detail because they need to understand how the services work in order to make decisions on policy; secondly the members must control the officer who must account to the executive just as the executive itself accounts to the council. Both these points are covered in part by the members' day-to-day, first-hand contacts with the electorate which are much the same as in England. Excessive bureaucracy, gross defects in policies and individual grievances come to light in this way. But the main reliance must be upon proper administrative controls; establishment of standards, measures of performance against objectives, test checks on individual cases, ready and expeditious means of dealing with matters upon which the officer asks for instructions, and formal appeal machinery for cases where an officer acts in a quasi-judicial capacity, such as in determining an application for planning permission.

71. Naturally no country achieves perfect arrangements for this purpose. But we would cite Eire as furnishing a simple example of a deliberate attempt to allow the officer full delegation, while ensuring that he does his work properly and in accordance with the council's wishes. There, certain major decisions falling into classes enumerated in the statutes are retained by the council, while the manager is responsible for proceeding with other matters. He is however obliged to report regularly on his actions; he may be instructed on specific matters and must answer questions; and in a limited number of cases he is required to give advance notice of his intentions. In practice he consults with the council (through committees where they exist) when he judges that some routine executive action is likely to take on wider implications.

72. These practices, common to all the countries in question, do not tally with those prevailing in this country. The reason seems to be that in English local government, as was mentioned above, the word democracy has come to have for many people a special meaning: it is thought to imply that, unless the members determine how the smallest things are to be done, they are failing in their duties. To allow any but the most trivial discretion to an officer is thought to be un-

democratic. Hence, the cumbrous machinery, the multiplication of committees, the clogged agendas, the long meetings, the neglect of matters of importance and the failure to make full use of the available controls over the administration and to develop others.

The principal lesson of foreign experience

73. Foreign experience has clearly a great deal to teach us about the relative roles of members and officers. Our recommendations later in the Report depend upon acceptance of the proposition that committees on the English pattern which administer as well as deliberate are no longer feasible. A new division of duties along lines adopted elsewhere is essential. Without this reform, which must rest upon a re-definition of the administrative implications of local democracy, our local government, we believe, will continue to atrophy.

Departmental organisation

74. On the official side, English local government is rooted in professionalism. Almost every service has been made into a separate profession, backed by a strong association catering for the training of its members and the development of the service. Not a little of the excellence of the English local government services is due to the high standards of these associations so zealously developed throughout the years. Departmental organisation reflects this approach. There is a separate department for each service. When a new service is needed a new department is usually set up. Under the present practices, to give the person in charge the status of a departmental head, and preferably a committee of his own, is the best and often the only way to ensure that the service will have its full due. In the case of the children's service this procedure was prescribed by law.

75. The matching of committees with departments has been responsible for the traditional member-officer relationship, a valuable feature of our local government. But in terms of organisation, professionalism has led to an unwieldy array of largely independent departments. A county borough council may have between 20 and 30. More than half the county councils have at least 13 and some non-county borough councils have 10 or more separate departments. Some authorities of similar type and size have considerably less, having a number of related functions grouped within single departments; but, even in these, the departmental structure is not always consistent and separate small departments handling minor matters co-exist with large ones responsible for a group of major functions.

76. The problems of co-ordination and fragmentation posed by this situation are well known and are alluded to in many places in this Report. The specially important point of comparison is that our practice has prevented the appearance in English local government of the administrator as such. Heads of departments, including the Town or County Clerk, are normally members of a profession, and are assumed to occupy their positions because they have marked administrative ability as well as the expertise necessary for the technical supervision of the department. For the administrator without training in one of the professions one has to look to the chief clerk level.

77. On the continent, professional associations of the English type hardly exist; lawyers, accountants and the like practise on the strength of a university degree or similar qualifications. It is therefore not surprising to find that there are no local government professional associations in our sense. This has made a profound difference to local government organisation abroad. Local government officers are considered as belonging to an 'administration' similar to that of the English civil service. Affairs are controlled by administrators, who use technical experts where appropriate. The latter can, and do, hold high administrative posts, but this is not the general rule. Indeed in Germany, which has the most logically organised services, the highest posts are usually held by those who have had the traditional training of the highest class of the civil service or its equivalent. In North America the situation is a little different, but the general attitude is much the same. Professional departmental heads may be more common but, on the other hand, the managers receive a thorough general training in local government administration.

78. The effect of this different outlook on the departmental pattern can be seen most clearly in Germany. There local government officers talk about the administration (in the singular) rather than of the departments (in the plural). As is described in Volume 4 the work in German local authorities is organised in five to eight main divisions, each under a powerful administrator who, especially in the case of engineering work, may be a professional but is more likely to be an administrator (he is, as has been explained earlier in this chapter, often a politician).

79. A chief executive officer may himself assume direct responsibility for a group of activities (usually small), and may maintain an administrative cadre of an assistant manager or managers. In many cases he adopts neither of these policies, conceiving his task to be overall management and personal co-ordination. In this way he puts the responsibility for keeping the wheels turning upon the departmental heads; at the same time he avoids the inevitable jealousy aroused by the existence of a chief executive's department and the irritation caused to principal officers by having to approach him through subordinates.

80. We are impressed by the advantages of a streamlined departmental structure which means that co-ordination is built into the framework. There are things to be co-ordinated, but no problem of co-ordination as such. By the grouping of related functions much integration is automatically achieved at departmental officer level, while the heads of the five or so main divisions come together formally at the executive level, and keep in close touch informally. The impetus to fragmentation does not exist; for instance none of the countries visited has divided the social services in the English fashion. Another advantage is that there are no weak departments, liable to get less than their fair share of attention, and hence always manoeuvring for position.

81. In some of the systems examined—the Eire manager plan, the German Oberstadt-direktor cities, American manager cities and some strong mayor cities—there is a single head of the administration. In others—all Swedish authorities and some Canadian and American cities—the senior officer occupies a position very like that of the English Town and County Clerk. In the German

Magistrat cities and in a few Canadian cities the administration is headed by a 'board': the post of chief administrative officer is, as it were, put into a commission.

82. The English are therefore not unique in having a head of the administration who relies on influence rather than on extensive powers. But we are unusual in the convention, now tending to crumble, of appointing lawyers to the post. This practice is not found abroad, and indeed is scarcely understood, except in Germany where, because of the educational system and traditional civil service outlook, a degree in law is the qualification for most governmental administrative posts, not only those in local government. The idea of having lawyers as chief executives was not adopted when the Irish turned over from the English pattern to the manager system; Irish managers are rarely lawyers.

83. Later in this Report we return to the question of the qualifications of the chief executive officer, and also make suggestions designed to achieve some of the good results of the continental pattern of departmental administration, without discarding the advantages of the unique professionalism of English local government, which has been the inspiration of so many of its developments.

OFFICERS' CONDITIONS OF SERVICE

84. We would add a few words about the conditions of service of the most senior officers in other countries. It seems that, wherever there is an expectation of permanence on the part of officers, local authorities find difficulty in dealing fairly with those very senior officers who, though not grossly negligent or inefficient, prove to be inadequate. Stockholm and Gothenberg have special arrangements for such officers, applying to about 60 posts in Stockholm and 20 in Gothenberg. These cities give the officer a six-year contract. If it is not renewed, he is entitled to the pension he would have received had he served until 65 years of age. (Pensions in Sweden are generous, being tied not only to increases in the cost of living, but to rises in basic salary levels.) In Germany, an officer accepting a departmental head's post is also usually appointed for a fixed term of years, renewal depending upon the council. He thus loses his expectation of automatic lifetime service, though in practice his contract may be renewed, even if the political complexion of the council changes.

CONCLUDING COMMENTS

85. In this chapter we have been concerned with extracting from the wealth of information about foreign experience in Volume 4 clues to the answers to our major problems. In doing so we have been able to set English practice in an international context and to prepare the way for our later recommendations. To keep the chapter to reasonable length, we have been compelled to make a rigorous selection from the material in Volume 4 in which further relevant detail will be found on such subjects as Eire's method of operating the manager system, Sweden's Social High Schools, Germany's co-operation between counties and their constituent authorities, and the contrasted approaches of Canada and the United States to corporate executives.

86. Still less has it been possible to draw attention to the incidental light shed on the nature of the local government process by so many aspects of overseas practice and experience. We have in mind such features as Eire's way of reconciling efficiency and democracy, Sweden's attitude to local autonomy, the Dutch Burgomaster's unique position as a centrally appointed chief executive, the German way of achieving uniformity within diversity, and the laying bare of the fundamentals of popular government by the rough and tumble of political life in the United States and Canada. It was a pleasant experience for us to find that, even after making allowance for our peculiarities and for the varying national settings, there appeared to be so much of pertinence to the English situation.

Internal Organisation of Local Authorities

INTRODUCTION

87. A public statement issued by the Ministry of Housing and Local Government at the time of our appointment said that—

‘... the work of local government is becoming more closely involved with matters in the economic sphere, and is increasingly demanding positive and constructive action. The question how local authorities should manage their business is therefore one of great concern both to the authorities and to those with whom they deal. . . . Anything which may seem to bear on the efficiency with which local authorities are able to do their work and to attract the people they need will come within their (that is, our) terms of reference’.

88. This chapter is mainly concerned with our detailed examination of what we consider to be implied in the final sentence of the Ministry's statement and with our conclusions on the relation between the manner in which local authorities organise and conduct their work and the attraction which local government is likely to have for men and women both as members and as officers. We develop the theme that a more valuable contribution will be made by members and officers if the work of local authorities is organised effectively and managed efficiently. High on the list of desirable objectives we place the economical, and therefore more effective and satisfying, use of the time, talent and resources available.

89. As an introduction to this aspect of our task we received from the Government Social Survey statistical and other conclusions based on their questioning of members, ex-members and electors on what in their opinion are the attractions and shortcomings of local government work. Not unnaturally, members express more loyalty to the work on which they are engaged than criticism of themselves or the system. Generally members say that they are satisfied with council work;¹ it provides an additional, or new, dimension to many members' lives.² A significant proportion however say that they are frustrated by delays and inability to get things done; this may reflect an unsatisfactory internal organisation or it may be the result of external factors such as central government control. Relations with officers and the working of the committee system are rarely named as sources of frustration.³ Most members say that if more is to be done by local government, more time should be found for the additional work; only one-fifth of members say that, in their view, the procedures of the authority should be changed to provide more time.⁴ Frustrations with local authority procedure are unlikely to make members give up local authority work;⁵ only a

¹ Volume 2. The local government councillor. Table 4.11.

² *Ibid.* Summary of Chapter IV, pages 163 and 164.

³ *Ibid.* Table 4.5.

⁴ *Ibid.* Table 5.4.

⁵ *Ibid.* Table 9.15.

small proportion of ex-members say that they left local government because they were frustrated by local government organisation.⁶ In the survey of the electorate only 1% of the sample think that a change in or speeding up of the procedure is the most important thing that can be done to attract people into local government.⁷ The research studies find that the majority of members are generally satisfied with the existing system.⁸

90. Thus the findings of the Social Survey which are reinforced by the research reports show that although some members and officers are critical, there is no widespread feeling amongst those who work in local authorities in England and Wales that there is anything seriously amiss with the internal organisation, or that, if things are amiss, it is causing any great concern. But we received much written and oral evidence which is critical of the internal organisation of local authorities and the research material and our own observations show that much of the criticism is well founded. The studies which have been made of local government practice abroad throw into unflattering relief some features of the internal organisation of local authorities in this country.

CHARACTERISTICS OF INTERNAL ORGANISATION

91. The internal organisation of a local authority is not codified in the law; it is a blend of statutory provisions and of custom and practice. The law provides for an elected council which is both temporary in the sense that its membership changes, but permanent in the sense that it is a body corporate. The law requires an authority to appoint certain committees but allows it to appoint other committees for any purpose which the authority considers would be better regulated and managed by means of a committee.⁹ Statutory functions conferred on a local authority are exercisable by the council as a whole unless the council appoints committees and delegates these functions to them. A local authority is required by law to appoint certain officers and is allowed to appoint others.

92. The relationship between committees and the council and between the various committees is for local determination, as also with few exceptions are the size and composition of committees. The law does not define the functions or duties of a member and even a chairman of a committee, except when he is presiding over a meeting, depends for his authority not on any law but upon his personality and ability and on the extent to which he can be confident of support from the committee or sometimes from his political group. Outside certain narrow fields the law is silent on the duties of officers and does not define the relationships between members and officers, between officers and committees or the council, or between one officer and another: the official structure is left to custom and to the conditions of service of officers. The result is that the council may give instructions on these relationships, but much depends in practice on the attitudes of the members and on the traditions of local government generally as well as on the practice of each authority.

⁶ *Ibid.* Table 9.22.

⁷ Volume 3. The local government elector. Table 177.

⁸ Volume 5. Chapter 3. The council members: paragraph 66.

⁹ The Local Government Act 1933 (the '1933 Act'): section 85.

The absence of a managing body

93. Constitutionally the internal organisation of a local authority is at present governed by the principle that decisions are taken by the council (or committees of the council) and not by individuals, whether members or officers. This principle is embodied in the law which says that:

'... all acts of a local authority and all questions coming or arising before a local authority shall be done and decided by a majority of the members of the local authority present and voting thereon at a meeting of the local authority'.¹⁰

It is the generality of members who are involved in the process of deciding what should be done, how it should be done, and checking whether it has been done. In no formal sense is there a concept of a few selected members being entrusted with the function of directing and controlling the activities of the authority and yet being responsible to the council. There is no executive organ of government (in the sense in which the term is used by the constitutional lawyer). The system of committees is in no sense a recognition of the need for a managing body for the authority as a whole, but rather a recognition that they are 'practically essential as a means of conducting business where executive authority' is 'entrusted to a large body'.¹¹ The committee system is a contrivance for decentralising the various functions of the council and for creating a number of microcosms of it to meet problems as they arise; it is not a means of establishing responsibilities of individual members or groups of members.

94. The absence of a managing body in English and Welsh local authorities is in marked contrast with practice in elected local authorities in other countries where the use of a managing body is not thought to be inconsistent with local democracy, and where, on the contrary, it is thought to be one of its essential features. In a sense the use of a managing body involves the conscious handing over of certain responsibilities to the few and a departure from the principle that all members of the council must be involved in decision making. The strength of the managing bodies in those countries whose practices we have examined depends on the personalities of the people who man them and on the extent to which the council reserves powers to itself. The managing body may take many forms. It may be elected by the council as are the executive committees in Sweden and the College of Burgomaster and Aldermen in the Netherlands (though the Burgomaster himself is appointed); it may be separately elected as in the Ontario Board of Control; or it may be appointed by the council like the Magistrat in Hesse and Schleswig Holstein. The managing body may be one person elected like the 'strong mayor' in some cities in the United States and in South Germany, or appointed like the 'strong mayor' of the Rhineland Palatinate, the City Manager in the United States and the Manager in Eire. But each managing body performs a similar role; it proposes and co-ordinates the authority's business and its work, it initiates and recommends policy, and sees that the council's decisions are carried out; it supervises the authority's administration.

95. If each individual service committee has delegated powers and each is in effect the managing body for the particular service, the creation of a managing body for the local authority as a whole is frustrated.

¹⁰ Ibid. Third Schedule, part V: paragraph 1.

¹¹ Volume 5, Appendix B. The committee system: paragraph 7.

96. In some local authorities in this country the need for a managing body has been perceived or has been explicitly stated. We have noted some developments:

- (a) Local authorities have for many years had recourse to committees created specifically, or specifically used, to achieve a degree of co-ordination among, and supervision over, the service committees. They are not the equivalent of the executive committees which the Swedish law requires, but are merely co-ordinating bodies set up to make the present committee system work. They certainly have not reached the position of the various 'plural' management bodies such as the Ontario Board, the German Magistrat or the Netherlands College of Burgomaster and Aldermen.
- (b) Bedford (non-county borough council, population 66,000) has set up a management committee to guide the council's overall strategy, its goals and priorities and to permit better co-ordination and direction of all committees within that strategy. The committee considers and reports to the council on all major policy matters which must be put to it by service committees.¹² Camden (London borough council, population 243,000) has set up an advisory committee to exercise overall co-ordinating functions, to consider proposals for new services and for the re-allocation or renewal of capital equipment including land and building.¹³ The Town Clerk of Tamworth (non-county borough council, population 32,000) has proposed that a resources planning committee, working through a management group of ten members, should be set up and that its decisions be accepted as policy and planning bases within which the other committees would be expected to work.¹⁴ In Newcastle upon Tyne (county borough council, population 261,000) the Principal City Officer has proposed in effect two management bodies, a municipal relations committee and a resources planning committee.¹⁵
- (c) The similarity between the policy committee of the London County Council and a 'cabinet' system of government has been noted by a commentator who says that the function of the policy committee is to give 'general direction and control to the work of the council'.¹⁶
- (d) Some authorities have felt the need for a manager in the sense of a paid employee of the council who should take a greater degree of responsibility than the Clerk to an authority. For example, Basildon (urban district council, population 103,000) has placed emphasis on the 'securing of unity of management at officer level, giving recognition to the proposition that once policy has been determined, management is to be effected by a Town Manager leading the team of chief officers'.¹⁷ Newcastle upon Tyne

¹² 'Reshaping for our Future': review of the Council and its management structure approved by the Council on 27 April 1966.

¹³ 'Advisory committee: co-ordination of major policy': report by the London Boroughs' Management Services Unit approved by the Council, July 1966.

¹⁴ 'Suggestion for improvement of methods of implementation of Council policies and co-ordination': report by the Town Clerk. The proposals came into operation on 1 January 1967.

¹⁵ 'Delegation from council and committees': report by the Principal City Officer. February 1966.

¹⁶ 'A local government cabinet system' by Bruce Grocott (an unpublished study).

¹⁷ 'The Basildon experiment', *Public Administration*, Summer 1966. Vol. 44.

in appointing a Principal City Officer acknowledged the need for a 'high grade progress chaser to ensure that decisions arrived at in committees are implemented without delay', for an officer 'to co-ordinate all along the line, and particularly at top levels, the City's work and activities'.¹⁸

Within the same context, there may also be considered the position of chairmen of committees who can individually or collectively fulfil some of the functions of a management body. No generalisation can be made as the position varies with local circumstances and with the ability and interests of the chairmen themselves. There can be a special relationship between the chairman and the principal officer;¹⁹ he may, in conjunction with the principal officer, formulate or initiate policy;²⁰ he can exercise a degree of supervision over the actions of a department; he may co-ordinate by sitting on other committees and by sitting on key committees.²¹

Absence of unity in the work of the authority

97. There is a long tradition of associating a particular committee with a specific service and this is hardened by the requirement of statutes that for certain services specific committees should be set up. The power which local authorities have (under section 85 of the 1933 Act) to delegate their functions to committees is a convenience for a council and indeed is often regarded as necessary for the transaction of business. But delegation disperses direction and control amongst a number of separate committees. There exists therefore in local authorities in this country an organisation which is based on separate parts in each of which there is gathered the individual service, with its professional departmental hierarchy led by a principal officer and, supervising it, a committee of members. There may be unity in the parts, but there is disunity in the whole.

98. All service departments have close relationships with the Clerk's and treasurer's departments. But many local authority services have little in common; there is no common endeavour in the provision of child care services and the fire services; the weights and measures inspectorate has no contact with the highway engineer; the midwife has more in common with the hospital service outside local government than with the many activities inside the local authority itself. At the same time the separateness and individuality of the various services can be over-emphasised. Many service departments are closely connected. The research report²² shows clearly the overlap in day-to-day functions between the children's service and the health, education and welfare services. In the wider context individual services, however disparate, are provided for the community as a whole. Planning for the development of the community, the allocation of priorities for finance or for space on the drawing board, the timing of the various schemes all demand a co-ordinated approach. The establishment of a

¹⁸ Principal City Officer. Job Description.

¹⁹ Volume 5, Chapter 7. Committee chairmen: paragraphs 134-182.

²⁰ Ibid: paragraphs 78-82.

²¹ Ibid: paragraphs 113-116; 162-167.

²² Volume 5, Chapter 12. Some aspects of the children's service—an example of local authority administration: paragraphs 113-126.

managing body can provide this necessary co-ordination and focal point; it can provide both a unifying element drawing together the disparate parts of the whole and also the impetus for action.

The use and misuse of officers

99. Statutory functions conferred on an authority can be performed only by the council or, on delegation, by its committees. These statutory functions cannot be further delegated to officers. Apart from the exercise of statutory functions, a vast range of administrative decisions are taken by members in committees and responsibility for them is not devolved on officers although the practices of individual authorities vary widely. The provision of paragraph 1 of Part V of the Third Schedule of the 1933 Act (quoted in paragraph 93 above) can have an inhibiting effect on the devolution of administrative discretion on officers. As the research report says, the effect is 'to force all matters for decision towards the top level in the structure, and in practice this means that any member or officer has convincing arguments for insisting that matters, however minor, shall be considered at committee level'.²³

100. Just as there is no distinct managing body in a local authority and the generality of members direct and control as well as deliberate and recommend, so there is a lack of distinction between those major issues which the members must decide and those day-to-day matters which might be decided by officers. The organisation does not encourage either members or officers to distinguish between the important and the unimportant. In practice, the volume of business coming before committees and limitations of time make administrative devolution on officers essential, particularly in the large authorities.

101. We received much written and oral evidence which advocates delegation, or more delegation, to officers; it is often stated that 'policy' is the province of the member and its implementation the responsibility of officers. In any local authority the responsibilities of members and officers require definition. We believe that the lack of clear recognition of what can and should be done by officers, and of what should be reserved for decision by members, lies at the root of the difficulties in the internal organisation of local authorities. Until members are prepared to change their attitudes towards their own functions and those of the officers, there is little prospect of any improvement in the effectiveness and efficiency of the organisation.

102. The research report shows that the desire to retain detailed control of the administration of services is by no means universally shared by members.²⁴ The lack of distinction between the roles and responsibilities of members and officers causes overlapping with a consequent waste of the time not only of members but also of officers. The staff of a local authority is one of its principal resources; the misuse of officers by not allowing them to exercise their skills and abilities to the full is a waste of manpower and money and in our view may well deter able and qualified people from working for local authorities.

²³ Volume 5, Chapter 9. The work of the committees—types of decision and delegation to officers: paragraph 7.

²⁴ *Ibid*: paragraph 51.

Departmentalism and the need for leadership of the principal officers

103. Local authorities employ a large number of professional and supporting staff;²⁵ these officers are in the employment of individual local authorities and not in that of local government as a whole. In Chapter 2 we point out that the law requires local authorities to appoint certain officers and certain committees; other officers are appointed and other committees are set up as circumstances demand. The practice is that each service or function of the authority is administered by a committee working through a corresponding principal officer heading a department. Service or function, committee, principal officer and department tend to be interlocked and self-contained. This is reflected in the status clause recommended in the Second Schedule of the Memorandum of Recommendations of the Joint Negotiating Committee for Chief Officers. 'A chief officer²⁶ shall be the executive head of the department of which he is the chief officer. He shall be responsible therefor to the council through the appropriate committees'. With the growth of specialised knowledge, specialisms develop either within a profession or as satellites to it. There is a tendency for specialists who do not head departments to seek principal officer status which, apart from considerations of pay, is often seen as providing:

- (a) an apex for a career structure for those specialists;
- (b) a degree of professional independence;
- (c) direct access to members in committee to whom professional advice can be proffered.

104. The Principal City Officer at Newcastle upon Tyne in his report on delegation from council and committees refers to 34 autonomous officers reporting to the council directly. There are parallels in other major authorities. There is a danger that the number of departments and hence the number of 'professions' will increase still further. The proliferation of departments and of principal officers makes co-ordination of the authority's plans and their execution more difficult.

105. Although there are hierarchies of officers within departments, graded and occupying varying levels of responsibility and subordination, there is no formal hierarchy amongst the principal officers themselves. It is a text book convention to regard the Clerk of an authority as the first among equals in his relationships with the other principal officers. Definitions of the role of the Clerk cannot be found clearly set out in any official document; it depends on the provisions of a number of statutes, on judicial opinion, on the personality and ability of the Clerk himself, and above all on tradition and practice over the years. The Royal Commission on Local Government in 1929 judged it necessary for there to be one officer to survey the whole field of the authority's activities and to secure co-ordination; it concluded that the most suitable officer was the Clerk.²⁷ The Royal Commission did not go so far as to recommend that the Clerk should be in executive control or be in a position to give instructions to his fellow principal officers. The Royal Commission noted that the success of the Clerk would

²⁵ In June 1966 there were 1,919,215 (approximately 8% of the working population) including 476,666 lecturers and teachers, 85,214 in police forces and a considerable (but not ascertainable) number of manual workers: see page 736, Ministry of Labour Gazette, November 1966.

²⁶ See footnote 3 in Chapter 1.

²⁷ Royal Commission—Final Report: paragraph 439.

depend on his personality and on his relationships with other officers.²⁸ In 1934 the Committee on Qualifications for Recruitment, Training and Promotion of Local Government Officers (Hadow Committee) thought that the essential qualification of the Clerk was administrative ability. 'He should be a person of broad and constructive outlook, interested in the wider issues of local government, skilled in negotiation. And he should ordinarily have had experience of administrative work'.²⁹ As to his functions, the Hadow Committee thought the Clerk was 'the chief administrative officer of the council. The council will look to him for advice on all major questions. He is the channel of their official correspondence, and responsible for the conduct of important negotiations on their behalf. The Clerk should co-ordinate the work of several departments, should keep in touch with the decisions of each of the committees, and should exercise a general supervision over all the work without interfering with heads of departments in strictly technical questions'.³⁰ The Hadow Committee also noted that where the Clerk was a solicitor he was ordinarily required to be responsible for the legal business of the authority but considered that 'his administrative functions are the more important'.³¹

106. The Conditions of Service for Town Clerks and District Council Clerks as recommended in 1949 by the Joint Negotiating Committee echoed what the Hadow Committee had recommended. The Clerk 'shall be the chief executive and administrative officer of the council' and 'shall be responsible for co-ordinating the whole work of the council'. This recommendation cannot be reconciled with the recommended Terms and Conditions of Chief Officers, under which they are responsible to the council through the appropriate committees. Their relationship to the Clerk is not defined.

107. The imprecisions and lack of definitive development in the position of the Clerk remaining after the Report of the Hadow Committee were indirectly handled in the Treasury O and M Report on Coventry in 1953.³² This latter Report concludes that it is of 'fundamental importance to consider allocating the duties to a post of Town Clerk very different in conception from one which has come to be regarded by tradition as carrying primary responsibility for the Corporation's legal and secretarial work, with the nominal and largely undefined role of 'Chief Administrative Officer' tacked on, as it were, by afterthought'. The Treasury Report advocates that the Town Clerk should become Town Clerk/Administrative Officer. He should give continual consideration to administrative arrangements in the hope of securing economy; he should have full responsibility for securing inter-departmental co-ordination; he should 'act as Establishment Officer and arrange common office services'; he should 'furnish organisation-and-methods service for all departments' and maintain 'a broad view of the balance and effectiveness of arrangements to carry out the policy laid down by the council'. The recommendations stop short of associating the Clerk with the co-ordination of policy at the official level; they go only as far as co-ordination of executive action.

²⁸ Ibid: paragraph 442.

²⁹ Hadow Committee: paragraph 98.

³⁰ Ibid: paragraph 97.

³¹ Ibid: paragraph 97.

³² Public Administration. Volume XXXII. Spring 1954, page 83.

108. In paragraphs 97 and 98 we express concern at the lack of unity inside a local authority. Local authorities exist primarily to provide services and clearly many of these services will be provided by officers whose training and experience have made them highly specialised in their fields. Specialisation is to be applauded in so far as it leads to the provision of better services for the public. But increasing specialisation has tended to encourage the proliferation of departments and the other disadvantages of pseudo-professionalism. Economy in the setting up of departments is not incompatible with the use and development of professional skills. Even where the Clerk is acknowledged to have a function of co-ordinating the work of the authority this function must be seriously hampered if, as in some large authorities, there are as many as 35 independent departments to oversee. Similarly the difficulties for the public in understanding the authority's organisation and the risk that they will have to have simultaneous dealings with a number of separate departments are magnified. At its worst, departmentalism can result in contradictory and inconsistent views; it can involve the isolation of one department from another and a wasteful use of supporting administrative and clerical staff; it can result in objectives being set for one department which are in conflict with those of another; it can result in frustration to the public and visible waste of the public's money. Although the *esprit de corps* which a department develops may itself be commendable and can provide an impetus which may be lost in a loose agglomeration of specialist functions, professional exclusiveness undoubtedly militates against departmental co-ordination.

The mixed content of committee work

109. Reference has been made to the widely held view that it is necessary to distinguish between policy and administration; this is a constantly recurring theme in the written evidence. The research report gives examples of the opinion that if only policy could be separated from administration, the former to be exercised by members and the latter by officers, this would be a solution to problems and a step towards reform.³³ In their written evidence to us Mr. D. N. Chester, Warden of Nuffield College, Oxford, and Professor Griffith and his colleagues, make the point that 'policy' and 'administration' cannot be defined. Mr. Chester adds that what may appear to be a matter of detail when viewed from a distance may prove to be a matter of great significance when looked at locally. We do not believe that it is possible to lay down what is policy and what is administrative detail; some issues stand out patently as important and can be regarded as 'policy'; other matters, seemingly trivial, may involve political or social reaction of such significance that deciding them becomes a matter of policy and members feel that they must reserve to themselves consideration and decision on them. A succession of detailed decisions may contribute, eventually, to the formulation of a policy.³⁴ As the research report points out, policy making can arise out of particular problems when consideration of a new case leads to the determination of general guides to action which have a general application.³⁵

³³ Volume 5, Chapter 9. The work of the committees—types of decision and delegation to officers: paragraphs 11–14.

³⁴ *Ibid*: paragraph 16.

³⁵ *Ibid*: paragraph 18.

110. Committees have a wide latitude in deciding what matters they should deal with; the material appearing on their agenda is to a great extent under their own control or under that of their officers. In his report to Parliament on the Hove Corporation Bill in the Session 1966/1967 the Minister of Housing and Local Government, commenting on the clause dealing with delegation to officers, says that in his view 'administrative matters can already be delegated to officers. To that extent, the clause is unnecessary and might be thought to cast doubt on the practice of local authorities generally in delegating such matters of administration'. But it is necessary to remember that:—

- (a) functions are conferred on an authority by law and in law these functions cannot be delegated except to committees of the council;
- (b) the law requires committees to consider certain matters and take decisions on them.

Some of these functions and decisions might well be considered to be administrative. In other instances there may be an element of doubt whether the matter is an administrative one or one on which members should, by resolution, make a decision. Members may wish to play safe and their officers may advise them to do so with the result that the matter appears on a committee's agenda. Possibilities of appeal (e.g. over planning applications) tend 'to condition members' attitudes and to make them more cautious than they might otherwise be to impose a firm policy'.³⁶

111. There are other reasons which are quoted in the research report for matters being discussed in committees. Members may be sensitive to the reaction of their neighbours;³⁷ they may wish to appear to have a full knowledge of what their authority is doing. Some issues, particularly work on welfare cases, stimulate a sentimental interest;³⁸ 'domestic' matters such as heating, screen walls between houses, refuse disposal and school meals are matters of personal interest to members.³⁹ Sometimes matters of consequence are settled in meetings of the party political groups and therefore members tend to confine themselves to matters of detail in committees as the major decisions have already been taken.⁴⁰ Officers themselves may be guilty of putting issues or material to committees 'just to create an interest', for 'tactical reasons' or because of an unwillingness to accept responsibility.⁴¹

112. The research report suggests that 'the larger the committee, the more difficult the task of producing an adequate level of comprehension when issues of any complexity are to be decided'; there is a tendency for committees to spend their time talking about small matters because they come easily within the reach of their understanding and to avoid discussion of major questions because of the difficulties which they involve.⁴²

113. The research report abounds in examples of routine and trivial matters being considered by committees. The following examples will suffice:

³⁶ Ibid: paragraph 42.

³⁷ Ibid: paragraph 44.

³⁸ Ibid: paragraph 31.

³⁹ Ibid: paragraph 48.

⁴⁰ Ibid: paragraph 45.

⁴¹ Ibid: paragraph 51.

⁴² Ibid: paragraph 4.

' One committee was informed that in their work centres for the elderly 6,324 coat hangers had been made and 2,175 envelopes addressed since the last report; a finance committee received a fifteen page report showing the exact mileage and the precise car allowance paid to individual officers; an architect's report gave the number of visits made to public conveniences for the purpose of carrying out repairs (which were itemised)'.⁴³

114. Although in certain cases powers are conferred on officers by legislation,⁴⁴ the principle that members are ultimately responsible for the conduct of the authority cannot be gainsaid. But the question remains how far down the ladder of decision taking they should in practice assume direct responsibility. The committee system in this country does not lend itself to the careful selection of the key-points at which control should be exercised by those who are ultimately responsible; it leads to the indiscriminate submission to committees of material for information, mingled with material for deliberation or for decision—a hugger-mugger of the important and the trivial.

The demands and the cost of the committee system

115. The law requiring certain committees to be set up for specific purposes, combined with the practice of establishing a committee for each service of the authority, leads to the setting up of numerous committees. The average number of committees in county councils is 19 and in county borough councils 21. These averages conceal some considerable variations. There may be as few as 12 committees in a county council or as many as 29; the range in county borough councils is between 12 and 35. County and county borough authorities with their wider ranges of functions have more committees than the other types of authority. But the research report cites the case of a rural district council with a population between 10,000 and 20,000 having 20 committees and a county borough council with a population between 200,000 and 400,000 having only 15.⁴⁵

116. In the same way as the council in order to deal with the pressure of business and its complexity has fallen back on the creation of committees, so committees themselves have created sub-committees. The range in the number of sub-committees is even wider. Urban and rural district councils have very few, and the numbers in non-county borough councils average only nine but the research report cites instances of authorities using 50, 30 and 28 sub-committees. In county borough councils the average number of sub-committees is 40, but the largest number found was 160 and the smallest a mere three. The average number of sub-committees in county authorities is 47, but the range is somewhat less than in county borough councils.⁴⁶ Not all these sub-committees meet either frequently or regularly. The nature of their work varies; the examples quoted in the research report⁴⁷ of sub-committees to consider the use of the coat of arms, dry rot in the town hall, the Christmas carol service and cattle grids

⁴³ Volume 5, Chapter 10. Agendas, minutes and reports: paragraph 42.

⁴⁴ For example the medical officer of health has a duty to make an official representation when he is of the opinion that a house is unfit for human habitation.

⁴⁵ Volume 5, Chapter 2. Council and committee structure: paragraphs 5 and 6.

⁴⁶ Ibid: paragraphs 7-9.

⁴⁷ Ibid: paragraph 11.

suggest that the significance of their work is sometimes limited. Moreover the limited samples dealt with in the research report do not suggest that the existence of sub-committees results in less pressure on the main committee.⁴⁸

117. The membership of committees varies considerably in size. The research report finds that over half of county finance committees have between 20 and 29 members, and nearly three-quarters of those of county borough councils have between ten and 19 members. In some authorities the finance committee (and other committees also) consist of the whole council. 82% of county education committees have at least 40 members but those of county borough councils tend to be smaller though two cases were cited of a membership of over 50. Housing, children's and transport committees tend to be smaller.⁴⁹

118. One large county borough has 152 members on its council. To man all the standing committees every member must serve, on the average, on 3.3 committees; representation on outside bodies increases the average to 4.3. Another authority has 156 members and its committees have a total membership of 484; this demands that each member should serve on at least three committees. These figures exclude membership of sub-committees. The Social Survey finds that over two-fifths of members in county and county borough authorities belong to nine or more committees (including sub-committees).⁵⁰ On the average, members claim that they attend over six council and committee meetings a month and for county borough authorities the figure is over nine.⁵¹ The duration of meetings varies. A meeting of between one and two hours' duration is common for children's, finance and education committees, and of two to three hours for housing committees. Instances of housing committees lasting four hours or more are not uncommon and a case of education committee meetings lasting on the average for $5\frac{1}{2}$ hours is found.⁵²

119. The Social Survey finds that the average time which members claim that they spend on council business ranges from a little over 34 hours a month in rural district councils to over 76 hours in county borough authorities; but county borough council members spend only about a quarter of this time in actual attendance at committees (or the council).⁵³ Preparation for, travelling to and from, and attendance at, meetings make considerable demands on members' time. As we show, the time involved is a major factor in the attitudes of members and of the electorate towards service in a local authority.⁵⁴ The meetings of an authority's committees and sub-committees involve not only the members but also the officers. The research report quotes instances of an average of seven or eight officers attending meetings, and a case is cited of a large county authority where an average of ten officers attend.⁵⁵

120. Meetings of committees demand a flow of paper and reports. The research report refers to the wide range of practice: a county council with a population

⁴⁸ Volume 5. Chapter 13. Some aspects of housing: an example of local authority administration: paragraph 14.

⁴⁹ Volume 5. Chapter 2. Council and committee structure: paragraphs 13-18.

⁵⁰ Volume 2. The local government councillor. Table 3.4.

⁵¹ *Ibid.* Table 3.7.

⁵² Volume 5. Chapter 2. Council and committee structure: paragraphs 33-38.

⁵³ Volume 2. The local government councillor. Table 3.1.

⁵⁴ Chapter 6: paragraphs 497-500.

⁵⁵ Volume 5. Chapter 2. Council and committee structure: paragraph 43.

of under 60,000 sends out on average 368 sides of foolscap a month (excluding papers for the education committee).⁵⁶ One of the largest county borough councils sends out 700 sheets of paper a month to each member or 1,000 if the member is on the education committee; it is estimated that the cost of physically producing this paper is about £2,000 a month. At the other extreme the research report shows that a county council with a population of over 600,000 sends out an average of only 60 sides.⁵⁶ Generally the average volume of paper circulated tends to increase with the increase in the population served by the authority.⁵⁷

121. The volume of paper reflects not only the quantity of material submitted to committees but also the complex relationship between committees and sub-committees, and between committees and the council. A report of a sub-committee may be sent to a parent committee; it may prove necessary to pass this together with minutes to other committees. In some authorities minutes of all committees go to council even though the committees may be acting under delegated powers.⁵⁸ This process can result in the same matter being separately considered a number of times and often by the same members.

The importance of financial control

122. Between 1960 and 1965 the current expenditure of local authorities in England and Wales rose from £1,866 million to £2,903 million,⁵⁹ and the capital expenditure from £571 million to £1,226 million⁶⁰ a year. The annual increase has been running at 10% a year. To meet part of the growth of expenditure rates have been raised giving an annual increase of between 9 and 10% a year.⁶¹ Local authorities have to cope with annual investment expenditure of the order of £1,200 million a year and to manage a net loan debt which stood at £8,367 million at 31 March, 1965.⁶²

123. Of the importance of local government finance and the magnitude of its tasks of financial management there is no doubt whatsoever. Every local authority has to balance the burden of an increased rate against the needs of the public. It has also to decide between the competing claims of differing services. In addition it has to handle important financial transactions such as the raising of capital moneys and to exercise financial control over a vast variety of day-to-day operations, dispersed over the whole of its area.

124. In all these duties a local authority is hampered by having to deal with services to which the profits test can rarely be applied and to which accounting, costing or other numerical tests of success or failure are of only limited significance. The temptation to ignore financial considerations is therefore very great. It is further reinforced by the natural inclination of those anxious to develop the public services to regard relatively high expenditure as indicating a good service rather than lack of efficiency. A frame of mind therefore exists

⁵⁶ Volume 5, Chapter 3. The council members: paragraph 141.

⁵⁷ Volume 5, Chapter 10. Agenda, minutes and reports: paragraph 3.

⁵⁸ *Ibid*: paragraph 80.

⁵⁹ Local Government Financial Statistics, England and Wales, 1959/60 and 1964/65. Table IX.

⁶⁰ *Ibid*.

⁶¹ Local Government Finance in England and Wales—Cmd. 2923 (1966): paragraph 2.

⁶² Local Government Financial Statistics, England and Wales, 1964–1965.

which is inimical to proper financial control. Not all members or officers like to be reminded that the rise in local government expenditure outstrips the growth of the gross national product, or even to be told that every letter sent by the authority costs 4s. 9d.

125. For all these reasons we regard the task of ensuring that value is obtained for money as one of exceptional importance. A local authority needs not only first class financial control of its administration, expert accountancy and financial measurement, but also arrangements to induce financial awareness at the policy making level. Our recommendations later in this chapter for making the management board responsible for finance and our plea for local authorities to develop to the full operational research, cost benefit analysis and other relevant techniques are designed to this end.

CONCLUSIONS ON PRESENT INTERNAL ORGANISATION

126. The system of local government administration has its roots in nineteenth century respect for democratic forms, and in the old tradition of direct and detailed responsibility of local leaders for local affairs. The system was suited to a time when the range of activities of a local authority was limited, when government involvement in the affairs of society was minimal and when few professional staff were employed. Supervision by members was then not only possible; it was necessary.

127. A distinction must be drawn between the undoubted value of deliberation in committee and the shortcomings of detailed administration by committees. A committee enables decisions to be taken by a number of people after discussion and it can be argued that there is a better chance of the decisions being right if many minds contribute to them. Committees ensure a wide participation by the council-members in the work of an authority and may provide them with an opportunity of acquiring a wide understanding of the services for which the authority is responsible. They ensure that the interests of a variety of people are represented and heard; they can provide safeguards against bureaucratic and unresponsive administration and keep officers in close touch with political and public opinion.

128. The virtues of committees are, at present, outweighed by the failures and inadequacies of the committee system. The number of committees has grown with the addition of new services for which local authorities have been made responsible. The work of departments grows more complex, partly as a result of scientific and technological development, and partly because the scope of the services is extended through public demand and national policies. It becomes increasingly difficult for committees to supervise the work of the departments because of the growth of business, lack of time and the technical complexity of many of the problems. The system wastes time, results in delays and causes frustration by involving committees in matters of administrative detail. The system does not encourage discrimination between major objectives and the means to attain them, and the chain of consequential decisions and action required. We see the growth of business adding to the agenda of committees and squeezing out major issues which need time for consideration with the result

that members are misled into a belief that they are controlling and directing the authority when often they are only deliberating on things which are unimportant and taking decisions on matters which do not merit their attention.

129. The system involves the production of an increasing volume of paper which demands staff, is often wasteful of officers' time, is expensive to produce, and which often overwhelms members. It discourages delegation of responsibility to officers. The committee system makes heavy demands on members' time. It discourages the type of person from serving in local government who is prepared to give time to the consideration of major issues but who is not prepared to spend it on matters which specialist staff should deal with themselves.

130. The association of each service with a committee, and of a department and a principal officer with both, produces a loose confederation of disparate activities, disperses responsibility and scatters the taking of decisions. It is often unintelligible to the public. Leadership and responsibility in the authority cannot be easily identified and co-ordination of thought and work is made more difficult.

131. Although improvements in procedure and organisation are being made by many authorities, for the most part they are improvements within the system; there is often an absence of any real desire for change and a lack of awareness of the need for it; where the awareness exists, the requirements of the law damp it. Contentment with the present is perhaps the worst symptom of the ill health of local authorities; the outlook for the future is poor unless there is a change of attitude not only of those who serve local government as members or officers but also of the central government which is, in many ways, responsible for the organisation and procedures within which local authorities have to work.

PROPOSALS FOR REFORM

The basic principles for internal organisation

132. One of our criticisms of the present internal organisation of local authorities is that it is bound too much by a pre-set pattern which cannot be easily adapted to changing circumstances. It is not our purpose therefore to draw a blue print for the internal organisation of local authorities complete in every detail and to recommend its imposition on them all. But there are certain basic principles for the internal organisation of local authorities which are as appropriate to the large county borough council as they are to a district authority. Our aim is to devise a new pattern of organisation which we can confidently commend to authorities leaving them free to adapt it to suit individual circumstances. In recommending to local authorities a new structure for their internal organisation we have in mind the following principles:—

- (a) effective and efficient management under the direction and control of the members;
- (b) clear leadership and responsibility among both members and officers;
- (c) an organisation which presents to the public an intelligible system of government;
- (d) responsiveness to the needs of the public.

These principles are examined in the following paragraphs.

133. *Effective and efficient management.* The existing committee system makes it difficult to identify the major issues which confront a local authority and to isolate them from the mass of routine matters. It is essential that major issues are identified, and that staff work and planning are done and presented in such a way that decisions can be taken on these issues.

134. Once decisions have been taken on major issues, there should be clear arrangements to enable those who have taken them to watch progress, assess results and review decisions.

135. Consequential decisions and actions will be necessary. These should be taken at the lowest level consistent with the nature of the problem and without unnecessary submissions to higher authority. Responsibilities need to be clearly allocated and lines of accountability to be clearly drawn.

136. The organisation must be such that those who operate it are consciously and constructively critical; ideas for improving the efficiency of the organisation and the way services are provided should be encouraged.

137. Local authority costs are not disciplined by the profit and loss account; proposals involving expenditure can be too easily accepted and the costs passed on to the tax- or rate-payer. There should be in the organisation an attitude of mind which is constantly concerned to see whether there are more economical means of getting the desired result.

138. *Direction and control by members.* It is necessary to establish more clearly the functions and responsibilities of members and officers in local authorities. They are examined in detail in paragraphs 142 to 152 below.

139. The organisation should be based on the principle that members effectively and collectively control officers, and are politically responsible and accountable to the public. The demands on the time of members should be sparing and should be confined to those matters which are their responsibility. As a corollary trust must be placed in the paid officers who should be encouraged to accept responsibility and whose skills should be used to greatest advantage.

140. *Local leadership and intelligible government.* The organisation should ensure that the public can easily identify those responsible for the council's policies; it should provide intelligible government. Amongst the paid officers the organisation should provide for clear leadership of a team of officers rather than a loose association of specialists joining together when circumstances dictate and their inclinations allow.

141. *Responsiveness.* The organisation must be sensitive to the needs of the citizen, and there should be clear facilities for grievances to be heard. Members of the public should have, and should be conscious that they have, avenues of appeal and clearly defined sources of information. The private individual should not feel that his only contacts with the local authority are at election time, when his rate demand arrives and when he needs to use the local authority's services.

The functions and responsibilities of members and officers

142. The management and execution of governmental functions as opposed to those of industry and commerce are made more difficult to organise because two

sets of people are involved, the members and the officers. If the functions and responsibilities of members on the one hand and of officers on the other are more clearly defined and related to the principles set out in paragraph 132 above, the shape of the organisation becomes more apparent.

143. *Policy and administration.* We refer in paragraph 109 to the often expressed view that the function of members is to decide 'policy' and of officers to 'execute' or 'administer' it. We argue that 'policy' cannot be defined and indeed that it should not be defined. Some issues are, to reasonable men, so important that they can be safely termed 'policy issues'. But what may seem to be a routine matter may be charged with political significance to the extent that it becomes a matter of policy. Other routine matters may lead by practice and experience to the creation of a principle or a policy; an isolated case may itself be a precedent for a line of similar cases. In advising on major issues officers are clearly contributing to the formulation of policy, but in shaping administrative decisions officers may also, even if less obviously, be formulating a policy. 'Policy' and 'administration' will not serve to distinguish between the responsibilities of members and of officers. How they can be distinguished is set out in the following paragraphs.

144. *Managing the affairs of a local authority.* A local authority, in addition to providing a wide range of public services on a scale and to standards prescribed by Parliament or a minister, must necessarily study the present physical and social environment of the area it serves, and assess its future needs and developments. In the light of this it must come to conclusions on what its objectives are to be and the means to be adopted to attain them. The problems cannot be taken in isolation; the objectives have to be reconciled with one another. Key decisions have to be taken on the means and plans to attain these objectives. It is necessary to ensure that resources are available to do what is wanted when it is wanted and to do it effectively and efficiently. Action needs to be co-ordinated, performance watched and timing and costs reviewed, so that corrective action can be taken when necessary.

145. It is the members who should take and be responsible for the key decisions on objectives, and on the means and plans to attain them. It is they who must periodically review the position as part of their function of directing and controlling. It is the officers who should provide the necessary staff work and advice which will enable the members to identify the problems, set the objectives and select the means and plans to attain them. It is the officers who should direct and co-ordinate the necessary action, and see that material is presented to enable members to review progress and check performance.

146. The previous paragraphs have been written in terms of the major enterprises of a local authority. Much of the work of a local authority, however, lies not in the planning and execution of major projects but:—

- (a) In the provision of day-to-day services e.g. the domiciliary health services carried out by the midwife and the health visitor, the running of children's homes and homes for old people, of schools and libraries; the maintenance of parks and of roads; the collection and disposal of refuse.

- (b) In work for individuals e.g. taking a child into care; the allocation of a council house; finding a place for a particular child in a particular school; a decision on a scholarship.
- (c) In routine inspections and controls e.g. of the condition of shop premises, of the cleanliness of milk, in the administration of smokeless zones, in handling planning applications, in inspection of weights and measures.

Most of these examples, and they can be multiplied, affect individuals intimately or the public immediately and directly: many result in coercion and restrictive action liable to resentment and harsh publicity. It is quite as necessary to define the relative functions of members and of officers in these spheres of activity as it is for the major issues we have already discussed. While it is clear that the overall development and control of services should be the responsibility of members, in our view the day-to-day administration of services, the decisions in case work, the routine process of inspection and control should normally be the functions of the paid officers and not of the members.

147. *Responsiveness to the public.* The members can only assume the responsibilities of ultimate direction and control of the affairs of the authority if they have an understanding of present and future problems of the public they serve. They must act as guardians of the public interest and must individually serve as channels of communication between the public and the authority and vice versa.

148. Although routine day-to-day work and decisions should rest with the officers, such is the nature of much of that work that there should in appropriate circumstances be clear channels of appeal to the members. This is consistent with our view that ultimate direction and control should rest with the members.

149. If the officers are responsible for day-to-day administration and the many sensitive decisions involved, they must be alive to the difficult case, the instance which is likely to cause an outcry, the hard case for which no precedent exists, and they must be prompt in bringing any such cases to the notice of the members for decision. This does not imply any interference with the right of the public to make direct approaches to members on such matters.

150. We recommend that local authorities conduct a radical review of the respective functions and responsibilities of members and officers.

151. We recommend that local authorities consider a division of functions and responsibilities between members and officers as follows:—

- (a) Ultimate direction and control of the affairs of the authority to lie with the members.
- (b) The members to take the key decisions on the objectives of the authority and on the plans to attain them.
- (c) The members to review, periodically, progress and the performance of the services.
- (d) The officers to provide the necessary staff work and advice so that members may set the objectives and take decisions on the means of attaining them.
- (e) The officers to be responsible for the day-to-day administration of services, decisions on case work, and routine inspection and control.

- (f) The officers to be responsible for identifying and isolating the particular problem or case which in their view, and from their understanding of the minds of the members, has such implications that the members must consider and decide on it.

152. Reference is made in Chapter 2 to the unfortunate effects that a rather narrow interpretation sometimes placed on the word 'democracy' has had in local government in this country. It is thought that unless members determine how the smallest things are to be done, they are failing in their duties, and that to allow any but the most trivial discretion to an officer is undemocratic. The effect of this is to force issues however trivial upwards to the top for consideration in the committees. This in turn involves principal officers and their immediate subordinates in dealing with matters on their way to the committees which would otherwise be disposed of at a lower level. It is perhaps symptomatic of this tendency for issues to be dealt with at the highest level that letters are signed by heads of departments or by their subordinates writing the head of department's name. We recommend that local authorities adopt the guiding principle that issues are dealt with at the lowest level consistent with the nature of the problem.

A scheme of internal organisation

153. The form of organisation we propose should not be regarded as applicable in every detail to every local authority. Our first aim is that local authorities should look at their organisation anew and that they should be freed from the checks and controls which inhibit experiment with new forms. But we believe that the form of organisation we suggest is the best way of implementing the principles we have stated in the preceding paragraphs.

154. *The council.* In local authorities in those countries whose practices we have examined, the supremacy of the council is unchallenged and everywhere the functions of the council are remarkably similar. The existence of executive or managing bodies does not affect this ultimate supremacy. In Eire the council has its 'reserved' functions;⁶³ under the strong mayor system in the United States the council has ultimate power and retains the right to approve policy, pass the budget and to legislate; under the Manager system the council makes orders and regulations, decides the extent and pattern of activities and passes the budget.⁶³ In later paragraphs we make recommendations on the setting up of a management board and on delegation to officers. We think it important to emphasise that whatever recommendations we make in this respect we adhere firmly to the principle that it is the members in council of a local authority who are ultimately supreme in the direction and control of its affairs.

155. It is the council which should consider the major objectives of the authority and take the major decisions involved. It should approve the estimates of expenditure and fix, or precept, the rate. The council should be the final place of inquisition and the focal point of the authority's activities; it should be the place where the public and the authority are brought together. It should serve as a forum for debate where the views, complaints and grievances of the public can be expressed by members and answered. It should provide the arena where the acts of the management board and of the authority's officers can be challenged. The

⁶³ Volume 4. Local government administration in the Republic of Ireland: paragraph 39.

council should prescribe the standing orders of the authority and approve the organisation of the committees and of the departments. It should provide in standing orders for the rights of members to raise matters at question time and to propose motions of their choosing.

156. *The managing body.* In Chapter 5, paragraph 332, we recommend that the size of a council should not exceed 75 members in the largest authorities. A council of this size will still remain a relatively large body. It will meet only periodically; by its nature, its procedures will be those of debate and not of management. In earlier paragraphs we make two points:—

- (a) local authorities in England and Wales are alone (in the countries we have examined) in not providing for a managing body in some form or other;
- (b) the absence of a managing body leads to confusion in the functions and responsibilities of members and officers.

157. Dr. Marshall's reports on local government abroad show the wide variation in the types of managing body (or executive). We ascribe great importance to the local authority being responsive to people's needs and views and therefore the managing body should be composed of members. This leads us to reject an arrangement whereby control and direction are entrusted to a paid officer, similar to the Manager in Eire or the City Manager in the United States, as this would reduce the participation of members to an extent which we consider undesirable. The manager system would not necessarily be any more efficient than an elected managing body if the organisation of the officers to provide the staff work and to execute the decisions of the authority is efficient. This is a matter with which we deal in paragraphs 170 to 187 below. We do not favour any move towards direction and control being in the hands of a single elected person on the pattern of the 'strong mayor' in the United States and in Bavaria and Baden-Württemberg, nor do we favour the appointment of a managing body by superior authority as in the case of the Burgomaster in the Netherlands. We see no merit in a separately elected management committee on the analogy of the Ontario Board of Control, nor do we favour a management body composed of both members and officers. There are, in our view, advantages in maintaining the practice of the central government (which is generally understood) by which the controlling and directing organ, although distinct in its functions, is part of the elected council, answerable to it and ultimately dependent on it for support for its actions.

158. We recommend that local authorities establish a managing body, to be called 'the management board' composed of from five to nine members of the council.

159. We do not think it necessary to make recommendations on the way in which the management board should be appointed. Local authorities will develop their own practices. Standing orders might prescribe that nominations for the management board should be presented to the Clerk within a prescribed time after elections. It would be for the parties to put forward their candidates and for individual members to make their own nominations. The Clerk could then ensure that the council had a list of nominations for members of the management board on which it could vote at its first meeting.

160. The research report suggests that there is no systematic attempt at committee level to conceive and co-ordinate policy as a whole; even where some authorities have conferred responsibility for co-ordinating policies upon specific committees, it appears that matters reach them at a comparatively late stage. The research report also finds that when a policy committee is set up the approach is to impose a new committee on the previously existing structure without modifying the terms of reference of the existing committees.⁶⁴ The responsibilities of our proposed management board will be much wider than those of the existing co-ordinating committees described in the research report. The board's task will be to lead and co-ordinate the work of the authority, whose departments will be accountable to the council through it. The board will also be responsible for the presentation of business to the council.

161. If the management board is superimposed on the present committee system there will be grave danger of the management board being overwhelmed by submissions from the committees. But we intend that the management board should be part of a new organisation in which the principle that committees administer the services is replaced by the principle that day to day management is the responsibility of officers. It will be (as we show later) the Clerk's responsibility to ensure that the organisation of the officers is such that wherever possible issues are dealt with by them, that agenda are short and that business is properly presented with matters of principle taken before those of secondary importance.

162. We recommend that the functions of the management board be:—

- (a) To formulate the principal objectives of the authority and to present them together with plans to attain them to the council for consideration and decision.
- (b) To review progress and assess results on behalf of the council.
- (c) To maintain, on behalf of the council, an overall supervision of the organisation of the authority and of its co-ordination and integration.
- (d) To take decisions on behalf of the council which exceed the authority of the principal officers, and to recommend decisions to the council where authority has not been delegated to the management board.
- (e) To be responsible for the presentation of business to the council subject always to the rights of members under standing orders.

163. *Committees.* In paragraph 100 we emphasise the present confusion between the functions and responsibilities of members and those of officers; it has been our purpose to disentangle them and to point to a division of labour between them. It is in the work of the committees that the confusion is most marked. Reference has been made to the value of the traditional committee system in keeping members informed and in giving them an understanding of the working of the various services. These values are not to be lightly set aside. To remove committees entirely would be to isolate the management board and to insulate it from the views, grievances and aspirations of the public and from the generality of members. In the countries whose local government practices we have studied,

⁶⁴ Volume 5. Chapter 8. The initiation of policy and co-ordinative arrangements: paragraph 84.

committees are widely used, despite the existence of managing bodies, with varying degrees of independence. Dr. Marshall finds committees freely in use in some strong mayor and manager cities in the United States. In the Ontario Board system committees abound; they make recommendations to the Board as do the Swedish committees to the executive committees. In the Netherlands the committees are advisory though executive committees can be set up. Under the Magistrat system in Hesse and Schleswig Holstein, committees are also advisory.

164. In this country, there are criticisms that members of Parliament are losing touch with affairs, that there are inadequate arrangements for them to be informed and to check the influence of the government. Proposals have been made that there should be additional committees of the House for specific subjects, not to take executive decisions but to deliberate, investigate and scrutinise; indeed two select committees have been set up, one to consider the activities of the Ministry of Agriculture, Fisheries and Food, and the other to consider science and technology. Local authorities already have their committees but in their present form and with their present functions they cannot be reconciled with the functions of the management board nor with the wider responsibilities of officers which we have in mind. We are in favour of the retention of committees in local government, but with a different role.

165. We recommend that:—

- (a) Committees should not be directing or controlling bodies nor should they be concerned with routine administration.
- (b) No committee should have more than 15 members (including co-opted members).

166. We recommend that committees be deliberative and representative bodies in the sense that:—

- (a) They make recommendations to the management board on the major objectives of the authority and study and recommend the means to attain these objectives; they examine new ideas which they and other organs have formulated.
- (b) They have a duty to review progress on plans and programmes and on the operation of individual services as the management board does for the whole range of services.
- (c) They consider the interests, reactions and criticisms of the public and convey them to the officers and if necessary to the management board.
- (d) They consider any matters raised by their own members or referred to them by the management board.

167. We recommend that committees take executive decisions only in exceptional circumstances when the management board requires them to do this. These fields of decision-taking should be strictly defined by the management board and it should be made clear that the committees issue instructions to the officers only on these matters.

168. It will be necessary for committees with the functions we have prescribed to take a broad view of the subjects with which they are concerned. There are real advantages if each committee deals with a group of similar or related services; it will make co-ordination easier and reduce the present tendency for the author-

ity's work to be dispersed amongst a large number of service committees. A management board, in making proposals to a council on the committee structure, should group similar or related functions under one committee. This will have the effect of reducing the number of committees, and we believe that in an all-purpose authority it should be possible to reduce their number to about six.⁶³ A reduction in the size of committees together with a drastic reduction in their number may well mean that some members will not be on any committee of the council. We do not regard this as inconsistent either with the new form of organisation we have in mind or with the functions of members as we have defined them. The member who does not serve on any committee will have more time to devote to the problems of his constituents. His importance as a member of council will be enhanced as we believe that more frequent meetings of the full council may well be necessary and at these meetings he will have opportunities to question and challenge the administration.

169. We recommend that the number of committees of a local authority should be drastically reduced and that similar or related services should be grouped and allocated to one committee.

170. *The Clerk and the other principal officers.* Reference is made in paragraph 96 to steps which have been taken in some local authorities to create a post of chief executive for the authority, either by adding to, or setting aside, the traditional role of the Clerk to an authority. Many witnesses deal with this aspect in their written and oral evidence. There is a diversity of opinion. An extreme view stresses the need for a manager in local government who would act like the American City Manager or the manager of a commercial organisation, a man who would formulate policy, co-ordinate its execution and also direct the authority's business. A more moderate view proposes that the chief administrative officer should be secretary to the authority's policy or executive committee and should be the policy co-ordinator. At the other extreme, it is held that the Clerk should remain much as now but with a status which makes him, *vis-a-vis* the other principal officers, something more than 'first among equals'.

171. The Management Consultants' Association in evidence to us recommends that there should be one officer in supreme administrative authority over all others and ultimately responsible to the council for anything entrusted to the paid officers; a chief executive should be appointed to whom each principal officer would be responsible for the internal administration of his department. The Association suggests that the chief executive should be responsible to the council for implementing the policies laid down by the council, for the work of all departments, for all establishment matters, for providing clerks for committees and for co-ordinating their work and that of the departments. He would be the only officer authorised to commit the council. Mr. Chester considers that the Clerk's co-ordinating function as the chief executive and administrative officer

⁶³ For example: Planning and development
Housing
Works (including highways and traffic)
Education and culture
Health and welfare
Public protection.

is ill-defined; there is a need for an officer who can look at the council's policy as a whole and the appointment of a chief administrative officer is therefore recommended; departmental heads should continue to advise their committees on their own functions; the chief administrative officer would come in when the co-ordination or phasing of the policies or administration of two or more departments is concerned or when a department's policy needs to be looked at in the light of the council's general policy. The chief administrative officer, in Mr. Chester's view, must be supported by some corresponding focal point on the members' side in the form of a central policy committee and this would probably be matched by a similar body at the official level over which the chief administrative officer would preside. The Society of Town Clerks thinks it essential for the Clerk to have a mandate and recommends for acceptance the definition of responsibilities set out in the Treasury O and M Report on Coventry. The Society sees the chief administrative officer's function as being in many ways like that of the Secretary to the Cabinet; he should ensure that the council receives the benefit of consistent overall policy advice and of an integrated administration. The Society of Clerks of the Peace of Counties and of Clerks of County Councils, while agreeing broadly with the Clerk's functions as set out in the Treasury O and M Report on Coventry, considers that they fail to give adequate emphasis to the work of the Clerk in initiating ideas and in ensuring smooth co-ordination between the work of different departments.

172. The Association of Local Government Financial Officers says that principal officers do not regard their responsibilities as subordinate to those of the Clerk. They regard him as first amongst equals. They consider that they have full executive responsibility and are answerable directly to the council for the functions they perform or the services they control. The Association believes that co-operation between the Clerk and the principal officers is vital. The Institute of Municipal Treasurers and Accountants (IMTA) sees serious disadvantages in making one person (as manager) responsible for all local authority services and in making principal officers subordinate to him. IMTA also refers to the Clerk's position as first among equals; in its view the Clerk has no general executive powers over principal officers though he has an important part to play in co-ordination. The Society of Clerks of the Peace of Counties and of Clerks of County Councils thinks that the idea that there should be a general manager in the commercial sense is based on a false analogy; a local authority is not comparable with a commercial concern carrying on one type of business or producing one class of product. It is notable, according to the Society, that some very large concerns manufacturing a variety of products sometimes have semi-autonomous divisions, not unlike the departments of a local authority, without having a general manager for the whole concern.

173. In examining the organisation under the manager system, Dr. Marshall notes a number of advantages which accrue from having an officer who is the undoubted and undisputed chief administrative officer of the authority. He cites as some of the benefits which have accrued in 'manager' cities abroad the better co-ordination of departments, the presentation to the council of integrated views of officers, improvement of the general level of efficiency, the strengthening of departments or the elimination of unnecessary ones and the wide diffusion of the

use of modern management techniques.⁶⁶ Undoubtedly some Clerks in this country achieve these ends by force of personality and ability and by consent; they achieve them despite the organisation not because of it. It is not, in our view, enough to rely on personal qualities; a new approach is required. It seems clear that local authorities have a choice to make. Do they wish the Clerk to occupy the traditional position of legal adviser or organiser of the authority's procedures, a passive leader by consent, or do they wish the Clerk, in addition to these functions, or in substitution for them, to assume a special degree of responsibility for encouraging new ideas, for active co-ordination of the work of the authority and for drive in the execution of its decisions? We believe that there should be more positive acceptance of the leadership and primacy of the Clerk and this is supported by the weight of evidence and the experiments already being conducted by some local authorities.

174. No amount of change in the designation of the title of Clerk, no amount of reinforcement of his position by statutory provision or by redefinition in terms and conditions of service will make a weak Clerk a strong one. What is required is a fresh understanding of his position and an acceptance of it; this can best be done by changes in the terms and conditions of service of other principal officers whereby they are required to recognise his position and to assist him, by continuous co-operation and consultation, to discharge his duties efficiently.

175. Apart from his co-ordinating function, we see the Clerk as the leader of his team of specialist colleagues and with their assistance and advice surveying the whole range of his authority's activities. He should be active in promoting innovations in the procedure and organisation of the authority and of its services.

176. Some of the written evidence submitted to us resists the idea of an effective manager in a local authority for two principal reasons—

- (a) it would be inconsistent with democratic local government;
- (b) professional principal officers should not be in a position of subordination to the Clerk or to the officer who holds the position of overall responsibility whatever he may be called.

177. We do not accept these views for the following reasons. We do not see the Clerk with his position reinforced on the lines we suggest as in any way usurping political responsibility; it is not as if powers would be handed over to him as they are to the American City Manager or even to the Eire Manager. The council should have forward planning done for it; it should not be faced with unco-ordinated advice from a number of principal officers; it should have one officer to whom it can turn as the responsible man to give co-ordinated advice, to ensure that its decisions are conveyed to the appropriate department and are carried out. With regard to the second objection, in our view no efficient Clerk at present, nor any efficient Clerk with the added powers and status which we recommend, would seek to give instructions to professional officers on actions where their professional skills are involved. We see the principal officers working together on those matters which transcend the purely professional and depart-

⁶⁶ In particular see Volume 4. Local government administration in Canada and the United States of America: paragraphs 179 and 180.

mental considerations under the Clerk's leadership and producing agreed and co-ordinated recommendations. We would certainly agree that where a principal officer is in disagreement with recommendations being put to the management board his dissenting opinion should be made known to the board and further that the principal officer should be heard. We would regard it as unfortunate if dissenting opinions and appeals had frequently to be heard as this would imply that the Clerk was failing in his duties as a leader, or that individual principal officers were failing as colleagues in seeking for agreed solutions. The remedy must lie with the council and management board in deciding what changes such a situation calls for amongst their officers.

178. It is clear that the Clerk will not be able to act in the way we recommend unless he enjoys the confidence of both the management board and the team of principal officers. The council must be mindful of this and of the degree to which they consider a candidate has the capacity to engender this in making appointments to the post.

179. We therefore recommend:—

- (a) That the Clerk be recognised as head of the authority's paid service, and have authority over the other principal officers so far as this is necessary for the efficient management and execution of the authority's functions.
- (b) That the Clerk be responsible to the management board and through it to the council.
- (c) That the principal officers be responsible to the council through the Clerk and their terms and conditions of service be such that the Clerk's position and their own position are made clear.

180. We recommend that the duties of the Clerk include ensuring:—

- (a) The effectiveness and efficiency of the organisation and the co-ordination (and integration where necessary) of its activities.
- (b) That the management board is adequately serviced to carry out its responsibilities by providing co-ordinated and integrated staff work and seeing that its decisions and those of the council are implemented.
- (c) That effective control systems are devised and applied.
- (d) That, under his leadership, principal officers work as a team, that able officers are given opportunities for self-development with responsibilities to match their talents, and that initiative and innovation are encouraged.
- (e) That secretarial services are provided for all committees.
- (f) That an effective establishment organisation is set up to secure economy in the use of manpower.

181. We have noted that it is the general practice for borough and county councils to appoint solicitors to the posts of Clerk though the practice is not so widespread in other types of authority. During our enquiry there have been instances of local authorities appointing persons who were not legally qualified, for example Newcastle upon Tyne County Borough Council, Oxford County Borough Council and Basildon Urban District Council, and a number of other authorities have not insisted on legal qualifications when inviting applications for the post of Clerk. The Committee on Staffing say that the duties of the Clerk

'call for a high degree of administrative skill and for the exercise of personal qualities of sensitive leadership'; in their view the qualities required in a Clerk are found 'in certain men irrespective of their professional qualifications and experience'.⁶⁷ We endorse the view of the Committee on Staffing and we join with them in recommending that Clerkships should be open to people of all professions and occupations.

182. We recommend that the principal officers:—

- (a) Work as members of a team of managers and specialist advisers and see that the same approach is adopted by their staff at all levels.
- (b) Be responsible to the council through the Clerk for the efficient and effective running of the services provided by the departments of which they are the heads.
- (c) Execute the instructions of the council and of the management board and take such decisions as are necessary.
- (d) Advise the management board and the committees as necessary and provide the necessary staff work together with professional and technical advice as requested.
- (e) Be active in promoting innovation and improvements throughout the authority.

The need to organise the management process

183. The organisation proposed in the preceding paragraphs provides a framework for effective management. This is not enough. The organisation will not be fully effective unless the processes of management are understood and applied. A systematic approach is required to ensure that the component parts of the organisation are not distracted by the pressure of current problems from the direction and control at those points where direction and control are necessary.

184. Systematic management is a cyclical process requiring a time-table which does not leave direction and control to chance. The time-table should provide for periodic review by the management board and by committees of the long term objectives of the authority, and for decisions to be taken by the management board and where appropriate by the council. It should also provide for review by the committees and by the management board of the short term objectives such as the budget and the annual programmes of the various services. The time-table should also provide fixed times for the review by the committees and by the management board of the performance of the various services, and of the progress on various schemes so that results may be assessed. These reviews in themselves may lead to modification of the long- and short-term objectives.

185. It is for the members in committees, the management board or the council to conduct these reviews and where appropriate to take the decisions. But it is for the Clerk to draw up the programme of the authority's business and in doing so to ensure that such items are brought forward for discussion as will enable the programme to be maintained. He must see that business which is important is brought forward. It is his responsibility to see that effective systems of controls are devised and made available to the committees and the management board so

⁶⁷ Report of the Committee on the Staffing of Local Government: paragraph 493. HMSO, March 1967.

that their reviews have purpose and result. In this he will be assisted by the other members of the team of principal officers, each playing his specialist part, but contributing to the overall responsibilities of the authority.

186. In conducting the reviews, the Clerk and the other principal officers, and the members in committees or on the management board, should avoid routine comparisons with the past and should place emphasis on the forward look which relates current performance to objectives already agreed.

187. We recommend that:—

- (a) Local authorities adopt a systematic approach to the processes of management.
- (b) To this end local authorities require their Clerks to prepare time-tables to be included in management procedure guides which will ensure that objectives are set and progress reviewed in all fields of activity.

SOME IMPLICATIONS AND CONSEQUENCES OF THE PROPOSED ORGANISATION

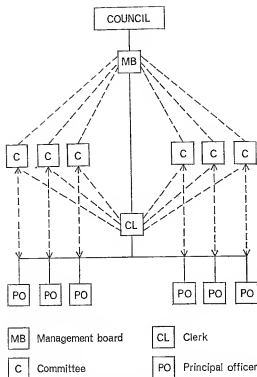
188. The basic organisation which we have suggested is shown diagrammatically overleaf. The solid line in the diagram shows the line of command running from the council through the management board and the Clerk to the principal officers. The dotted lines show lines only of contact and advice. This simplified diagram does not imply that one committee has only one principal officer associated with it or that each principal officer has necessarily a single committee to refer to.

Delegation

189. In discussing the functions and responsibilities of members and officers, we affirm that ultimate direction and control of the affairs of the authority should lie with members but emphasise that officers should be responsible for the day-to-day administration of services, decisions on case work and routine inspection and control.⁶⁸ This approach, combined with our recommendations on the functions of committees, raises legal and practical difficulties.

190. The functions of a local authority are given to it by law; although the law allows a local authority to delegate its statutory functions to committees, it does not provide for their delegation to officers. The position of the principal officer is in marked contrast with that of the senior civil servant. The latter acts in the name of his minister without any formal delegation of power by the minister to him. The civil servant must know the mind of the minister and must not take action which the minister would find it difficult to support. The principal officer cannot at his discretion exercise the powers of a council; in law and in most actual cases a resolution of the council or of one of its committees is required in support of his action. No radical reform of the internal organisation of local authorities based on our view of the responsibilities of members and officers is possible under the present requirements of the law.

⁶⁸ Paragraph 151 above.



The organization diagram
(see paragraph 188 overleaf)

191. Many of the functions which the law empowers or requires a local authority to perform do not, or may not, fall into the category of high level decision-taking which members must reserve to themselves. They are administrative acts with varying degrees of importance for the individual or the community. But in addition to these legal functions, there is the long chain of consequential administrative decisions and acts. We refer to the report of the Minister of Housing and Local Government on the Hove Corporation Bill in which he says that

'purely administrative matters' can already be delegated to officers.⁶⁹ It is impracticable to define when a decision is administrative; this must be left to the good sense of the officers.

192. The research report shows that, particularly in some of the larger authorities, the sheer pressure of business necessitates the devolution of administrative discretion on officers;⁷⁰ the report cites examples of powers which are delegated to officers in individual authorities.

193. The attitude of members towards delegation to and devolution on officers lies at the heart of the problems of the internal organisation of local authorities. Our aim is to reduce the burden of work on members and to entrust a much wider degree of responsibility to principal officers. It would save time and reduce expensive and unproductive paper work if principal officers had a wide degree of discretion in administering their services and departments.

194. We recommend that:—

- (a) Provision be made in the law on the following lines:—'Anything required and authorised under an Act to be done by a local authority may be done by an officer of the authority authorised in that behalf by the authority either generally or specifically'.
- (b) Provision be made in the law to require that a document purporting to be signed by an authorised officer containing a decision of a local authority shall be accepted by the courts.
- (c) Provision also be made in the law to allow a local authority protection in any court or tribunal from being asked to disclose on discovery or interrogatories or in evidence whether the decision has been taken by the local authority, or a committee or an officer acting within delegated powers.

195. There are many instances where because a decision may involve judicial or quasi-judicial considerations a council, or a committee or sub-committee to which power has been legally delegated, has to determine the application. Examples are:—

- (a) registrations if the local authority has discretion in granting them;
- (b) licences, e.g. for cinematograph performances, stage plays, hackney carriages and their drivers, street traders, ice cream and potted meat traders, child minders, nursing homes, massage establishments, marine store dealers, scrap merchants and slaughter-houses, to name but a few;
- (c) consents e.g., to connect to a sewer, to erect scaffolding, to place a sign or a wire over or under the highway;
- (d) planning permissions;
- (e) disciplinary cases.

We recommend that, in all cases involving judicial or quasi-judicial considerations, local authorities should be enabled to determine for themselves how the applications should be dealt with and their decisions taken.

⁶⁹ See paragraph 110 above.

⁷⁰ Volume 5, Chapter 9. The work of the committees—types of decision and delegation to officers: paragraphs 46 and 47.

196. We are aware that the concept of delegation to and devolution on officers will involve a radical change of attitude not only by members but also by officers. The research report ⁷¹ shows the variety of factors which induce members to deal with administrative matters in committees. There may be the feeling that a succession of detailed decisions will result in a policy being formulated and that, if these decisions are not watched, officers and not members will be 'making policy'. Case work has a 'vivid interest for members . . . their sympathy and compassion is easily involved'. Other matters may be politically sensitive. There may be a historical distrust of officers and a feeling that they must be watched. In our view the emphasis should be, not on what may be delegated to or devolved on officers, but on the selection of the relatively far fewer matters which members must reserve to themselves.

197. We appreciate that there will arise constantly a number of matters which certainly do not merit submission to the management board but which the officers feel must be the subject of decisions by members or which the authority feels must be referred to members. The point of contact between principal officers and members for dealing with such matters particularly concerns us in the following paragraphs.

Committees

198. We recommend in paragraphs 166 and 167 that committees should be deliberative and representative bodies and that they should be executive and decision-taking bodies only in exceptional circumstances when the management board gives them authority to take decisions in limited and clearly defined spheres. There are other aspects of the use of committees which need consideration.

199. An officer who feels that an issue before him needs clearance from a member, or who is confronted with an issue which has been specifically reserved to members, will not refer to a committee in the organisation we advocate. We discuss in paragraphs 206 to 211 methods by which, with certain safeguards, the officer would in such circumstances obtain guidance from a member of the management board. In exceptional cases, of course, the management board may decide that a certain class of issues or a specific issue or a certain category of personal cases should be dealt with by a committee and when that is so it will recommend to the council the setting up of a committee for this purpose, or their reference to an existing committee or a panel of it. Committees or panels which are set up for *ad hoc* purposes may have to be continuing bodies; normally they should be wound up once their specific task is completed.

200. *Case work.* We have frequently referred to the involvement of present committees in matters of administrative detail. Nowhere is this more marked than in the handling of what is known as 'case work', that is in dealing with social, health, housing and education matters affecting individuals. We consider that a committee is, in general, quite unsuitable for dealing with case work. For a committee to deal with this type of work can lead to decisions being taken in accordance with the subjective opinions of the members present to the prejudice

⁷¹ Ibid: paragraphs 43-52.

of a consistent approach. The authors of the research report find most attempts by committees to deal with welfare and similar cases to be 'fumbling and unsystematic'.⁷² Welfare cases (and amongst them we include cases which may come before health and children's committees as well as education sub-committees) demand professional judgment, but this should not preclude an authority establishing safeguards by using committees to review the work of the departments concerned.

201. *Finance and establishment committees.* The research report points to the co-ordinative work done by finance and establishment committees under present arrangements. The work of a finance committee may fall, at present, into two distinct parts. On the one hand it may consider all proposals with financial implications, assess them and decide what should be allowed within the limit of the resources available. We agree with the research report⁷³ that a finance committee has neither the time nor the skills to carry out such an evaluation. If evaluation techniques are to be used they should be carried out at a much earlier stage. This sort of evaluation should be done as staff work by the officers. The ultimate decisions required are matters for the management board. The other part of the work of the committee, which is more technical and related to the financial procedures of the authority, should be part of the specialist advisory function of the finance committee where it is found necessary to retain it.

202. Similarly in the case of the establishment committee we believe that much of the establishment work of an authority should more properly be done through job evaluation, personnel development and other techniques of establishment planning. We agree with the research report⁷⁴ that establishment work is basically a management function and as such falls into the category of staff work to be done by officers. We do not see a special co-ordinative role for an establishment committee which, in so far as it is retained or called into being on an *ad hoc* basis, should be an advisory body having particular responsibility for considering key officer appointments in the authority.

203. *Statutory committees.* The statutory requirements that certain committees should be set up by local authorities for specific purposes lend legal emphasis to two factors which we wish to see removed:—

- (a) the separateness and independence in the administration of individual services;
- (b) the implication that the council administers services through its committees.

We would add a third factor: the requirement that a local authority must appoint a specific committee for a specific purpose. This is an unnecessary interference with local authorities who should be free to develop and experiment with their own schemes of organisation.

204. We recommend the repeal of those provisions in the law which require local authorities to establish certain committees.

⁷² Ibid: paragraph 39.

⁷³ Volume 5, Chapter 8. The initiation of policy and co-ordinative arrangements: paragraph 56.

⁷⁴ Ibid: paragraph 70.

Responsibilities of management board members

205. Although there will be instances of the management board requiring committees to take decisions, the organisation diagram which we have drawn on page 50 does not provide a line of command running from the management board to any committee and thence to a principal officer. In many authorities in England and Wales the relationship between the chairman of a committee and the principal officer can develop into something akin to the relationship between a minister and a permanent secretary in the civil service. The same sort of relationship could develop between the member of the management board responsible for a particular service and the principal officer. The members could come to be regarded as 'municipal ministers'. Whether this is a desirable development is discussed in the following paragraphs.

206. We have stressed the importance of a point of contact being established between principal officers and members for matters which do not merit submission to the management board but which for one reason or another lie outside the competence of principal officers. We have also said that committees should not be regarded as providing this point of contact. There are many advantages in allowing the members of the management board to become 'ministers' in the sense that each individually assumes responsibility for the running of a particular service, as well as for speaking for a particular service and department in the management board and in council. A close working relationship can be established between the management board member and principal officer, difficult issues can be brought rapidly to his notice and decisions swiftly taken. This practice is followed by the commissioners in Stockholm; in the Magistrat system in Germany each member is in charge of a group of services.

207. On the other hand, we see some serious disadvantages. First, the management board member in a large and busy authority would become involved in the affairs of an authority on what might be a full-time basis. He would require an office and supporting staff to enable him to do his work. Secondly, he would in effect become the head of the department with the principal officer as his subordinate. This would place on the member responsibilities for which he is not trained and would have the effect of reducing instead of developing the discretion and responsibility of the principal officer. Thirdly, it would substitute the fragmentation of 'ministerial responsibility' for the dispersal of responsibility amongst committees; the unity we are seeking to establish might be prevented by the service and departmental interests of the individual management board members.

208. A fourth disadvantage, which is perhaps the most serious, is that the establishment of firm lines of accountability between the principal officers and individual members of the management board makes the position of the Clerk untenable in the terms we have defined in paragraph 179. From the organisation point of view it is not possible to reconcile the supervisory and co-ordinative role of the Clerk with the primary allegiance of principal officers to individual management board members.

209. This presents considerable difficulty. We see the individual management board member as the point of contact with the principal officer when those

issues arise which are beyond the competence of the principal officer or involve him in political decisions. This point of contact is one of real value and should be fostered. But there is danger that it will lead to the management board member assuming the character of a minister with the accompanying disadvantages we have set out in paragraphs 207 and 208. Two safeguards are necessary. The first is that the chairman of the management board must ensure that his colleagues do not, by acting independently, break the unity of the management board. The second is that the relationship between the Clerk and the principal officers in his team is such that independent arrangements do not develop between the principal officer and the management board member to the extent that the unity of the organisation is broken.

210. We recommend that the members of the management board should not be regarded as responsible individually for the running of particular services or departments; this is the responsibility of the officers.

211. We further recommend that:—

- (a) Individual members of a management board have special spheres of interest and speak on them.
- (b) Emphasis be placed on the collective responsibility of the management board for what they decide as a majority and not on the individual responsibility of a member.
- (c) Provision be made for principal officers to consult members of the management board but this process must not be allowed to distort the organisation pattern we have suggested on page 50. The relationship between members of the management board and principal officers should not result in the Clerk being by-passed nor should the management board member break the unity of the board by acting independently.

Payment of management board members

212. It has been made abundantly clear in this chapter that the organisation which we recommend differentiates between the functions of the generality of members and the members of the management board. The functions of the management board are explained in paragraphs 156-162. The functions of the generality of members in council and in committees are to deliberate, and contribute ideas in accordance with their individual abilities, to criticise, to question and to represent the interests, grievances and views of the electorate. They have also the power to vote on those major items which are referred to them and they have power to bring a matter to the council by question or by motion. It is our view that by being freed from the heavy burden of present committee business members will be able to spend more time on 'constituency' work.

213. In our interim report⁷⁵ on allowances for members we recommend that there should be a wider interpretation of 'approved duty' and that a fixed allowance to be determined by the local authority and payable to members should recognise this wider concept. In recommending a fixed allowance for members, we are attempting to find a simple formula which will, in a rough and ready way, ensure that members are not out of pocket because of their service with local authorities. We do not recommend the payment of a salary.

⁷⁵ Reproduced in Appendix D and referred to in paragraphs 524 and 525 in Chapter 6.

214. It is for consideration whether the special nature of the work of the members of the management board should be recognised by the payment of a salary, a fee or an additional allowance.

215. In Stockholm the full-time commissioners are paid high salaries, and other authorities in Sweden acknowledge and pay full-time members. The Aldermen of the Netherlands College of Burgomaster and Aldermen are substantially paid, as are the commissioners on the Edmonton Board. But members of these management bodies work on a full-time basis whereas we emphasise in paragraphs 207 and 208 above the disadvantages of members of the management board becoming 'municipal ministers' and full-time directors of services and departments.

216. However, we recognise that members of the management board will be required to spend more time on their duties than the generality of members and that they will carry heavier responsibilities. We reject the idea of paying management board members substantial salaries but we do propose that local authorities should be enabled to pay management board members part-time salaries over and above the expenses allowance which we recommend for all members. We believe that it is more intelligible to the public to call this additional payment a salary rather than an allowance; it should help to focus attention on the members of the board and their responsibility for the conduct of affairs.

217. We recommend that:—

- (a) Local authorities be enabled to pay to management board members part-time salaries in addition to the allowances dealt with in our Interim Report, namely:—
 - (i) the fixed expenses allowances proposed for all members;
 - (ii) allowances for travel within and outside the local authority area;
 - (iii) subsistence allowance for duty journeys outside the local authority area.
- (b) The Minister of Housing and Local Government prescribe the salary scales to be paid to members of the management boards. These scales should be related to the salaries paid to part-time members of public boards of a commercial character.

Mayors, chairmen of councils and leaders

218. The law provides for the appointment of mayors in county and non-county borough councils, and of chairmen of county and district councils. Neither the mayor nor the chairman need necessarily be selected from the existing councillors and aldermen though in fact they invariably are. One of the chief functions of the mayor and the chairman is to preside at meetings of the full council. The research report⁷⁶ notes that it is usual for a mayor or council chairman to be an *ex-officio* member of all committees.

219. The research report draws attention to an essential difference between the function of a mayor and that of a chairman of a council. The latter is likely to have considerable political power, but in boroughs the mayoralty and political leadership are almost certain to be held by different members.

⁷⁶ Volume 5, Chapter 6, Mayors and chairmen of councils: paragraph 45.

220. Both the mayor and the chairman of a council are involved in the ceremonial activities of the local authority. Particular emphasis is given to the office of mayor in these activities but the role of the chairman of a council is more prosaic.

221. We are clear that a local authority should have a 'first citizen' who will take the lead in official functions and in offering hospitality to distinguished visitors and who will, in effect, represent the local authority on formal occasions. Equally it is essential that the authority should have a chairman to preside at meetings of the full council and who will exercise the function of 'speaker' of the council.

222. We believe that there may be a need for a distinction to be made between the functions on the one hand of the ceremonial head and the chairman of the council, and on the other hand those of the chairman of the management board. We recommend that each authority consider separating the functions of the chairman of the management board from those of the mayor or the chairman of the council.

223. We do not make recommendations as to the period of office of the mayor or chairman of a council. This should be left to the local authority to decide for itself. The law allows the council of a borough to pay the mayor such remuneration as it thinks reasonable. The research report remarks that most borough councils appear to regard the amount paid as a contribution towards the expenses of the office and not as a salary. The chairman of a county council may be paid reasonable 'remuneration' in the same way as the mayor, and the chairman of a district council may be paid an allowance 'for the purpose of enabling him to meet the expenses of his office'. We do not propose any alteration of these arrangements, nor do we propose that mayors or chairmen of councils should be paid a part-time salary such as we recommend for members of the management board.

Departmental organisation

224. Stress is laid in this chapter on the absence of unity in the internal organisation of a local authority which is the result of the close association of a particular service, the service committee, the department concerned and the hierarchy of professional officers. The separateness of the committees contributes to the separateness of the departments, and the professionalism of departmental staff feeds on this separateness.

225. We are fortunate in having two research reports⁷⁷ which illustrate the difficulties of co-ordinating the work of departments, and, in the case of housing, the large number of departments which may be involved. Departmental organisation should not be dictated by the professional aspirations of officers nor by their ambitions for principal officer status. Efficiency and economy should be the only criteria. We received much evidence which advocates the grouping of departments, but any grouping of departments whose activities are closely related to one another in no way diminishes the specialised nature of the work

⁷⁷ Volume 5, Chapters 12 and 13. Examples of local authority administration: some aspects of the children's service and of housing.

carried out by different sections of the department. We see two purposes in the grouping of departments:—

- (a) to ensure active co-ordination in the planning and execution of functions which are inter-related;
- (b) to assist in the effective co-ordination of the team of officers which would be made particularly difficult if the Clerk has to work with a large number of heads of departments.

226. We are aware that in local authorities in Germany (for example) a high degree of co-ordination is obtained by placing services in the minimum number of groups; related work is done in a single group, and even within a group separate sections are created sparingly.⁷⁸

227. We make no recommendations on the way in which departments should be grouped, although, in our view, their number can be reduced to half a dozen or so. This is a matter for local determination having regard to the span of control which can be effectively exerted by any head of a department. Local authorities should consider arrangements on the following lines as being designed to meet the needs set out in paragraph 225:—

- (a) Grouping certain departments under one senior principal officer, to whom the 'service' principal officers would be responsible, and who would himself be answerable to the Clerk. This arrangement might be particularly suitable for those departments concerned with physical development in authorities faced with problems of urban renewal where there is a need for co-ordination not only at the planning stage but also in the execution of the work 'on the ground'.
- (b) The establishment of a social work department to cover the personal social services although authorities may wish to delay action until the recommendations of the Seebohm Committee⁷⁹ have been published.
- (c) Authorities should consider making greater use of project teams drawn from several departments to meet specific short term needs; these arrangements could be made irrespective of whether the authority has made other provisions for grouping departments. Project teams might be particularly valuable in assisting an advisory committee in its study of a topic.
- (d) Grouping of small miscellaneous departments such as those for parks, cemeteries and baths and wash-houses.

We recommend that local authorities examine their departmental structure with a view to a drastic reduction in the number of separate departments.

Management services and the computer

228. In paragraphs 201 and 202 we refer to the use of cost-benefit analysis and other evaluation techniques to be carried out as part of the staff work of officers, and to job evaluation techniques and other approaches to establishment planning as part of the management function. The research report stresses that local

⁷⁸ Volume 4. Local government administration in the Federal Republic of Germany: paragraph 166.

⁷⁹ The committee on local authority and allied personal social services.

authorities in this country have a commendable record in what they have achieved by way of introduction of management services, new techniques of measurement and control and the use of computers within the last few years.⁸⁰ In none of the countries visited by Dr. Marshall does he find that local authorities have advanced so far.

229. There are unfortunately many authorities which lag behind, and others whose interest has not gone further than the review of elementary clerical procedures. Nor has there been much co-operation among authorities in a field where joint action has so much to offer. Moreover, local authorities have not always made the fullest use of such services as they have. In particular, though some local authorities have brought their committee procedures under scrutiny, all too many have not allowed O and M investigations to go beyond the departmental level: examination of top structure and consideration of overall high level devices such as programmed management have been outside the scope of most investigations. This is perhaps not surprising in the light of the discouragement to integrated and efficient management which the existing committee system has presented.

230. The organisation we propose will give even greater scope for the use of advanced management techniques of all kinds. They include, as well as O and M, work study and job evaluation, the more elaborate techniques of cost-benefit analysis, operational research, regression analysis and critical path analysis, all of which offer exciting possibilities. Co-ordinated management of an authority's affairs through a management board and a team of principal officers led by the Clerk will put all these management aids at the service of the authority as a whole and not of individual departments. It will enable officers of all departments to think in terms of the new tools. They are not a substitute for good management but they offer invaluable aids to decision-taking, securing value for money and the improvement of efficiency.

231. We do not advocate that management services should always be grouped together as one unit although there are advantages in doing this. But if the computer, for example, is placed in the treasurer's department this must not in any way make its use by other departments more difficult, and the needs of the authority as a whole must be borne in mind when equipment is acquired. It will be the Clerk's duty to see that this is done.

232. Training in the use of the management services was a matter within the terms of reference of the Committee on Staffing. But we emphasise the need for the Clerk and the other principal officers to be 'numerate' so that they can appreciate the potentialities of these modern management services and we would stress the need for the staffs of local authorities to keep up to date with current developments.

233. We recommend that:—

- (a) Local authorities develop the use of management services, the rapidly developing tools of measurement and control including the use of computers, to the maximum.

⁸⁰ Volume 5, Chapter 16, Management services—some recent developments: paragraph 33.

- (b) Where local authorities cannot themselves justify the setting up of these services, e.g. the installation of their own computers, joint arrangements with other authorities should be established.

Management board and party politics

234. At present committees are committees of the council and therefore they represent broadly the party composition of the council. The research report shows that the practice of appointing chairmen of committees exclusively from the majority party although not universal is frequent.⁸¹ It is a short step for the chairmen of committees under present arrangements to constitute a form of 'cabinet'. In paragraph 159 we imply that the management board should be selected or elected by the council. If our proposals for the internal organisation of a local authority are followed, there will be a change in the character of committees and a concentration of power in the management board. Many will see in this an invitation to the majority party to use its majority in the council to ensure that all seats on the management board are occupied by its members. Dr. Marshall's enquiries show that, in those local authorities abroad where there is a 'plural' management body, it is not the practice for it to be composed exclusively of members from one political party. In Sweden where politics are 'all pervasive' and are not regarded as a 'baleful influence', executive committee membership by custom reflects the political complexion of the council. In Stockholm however the commissioners are politicians elected by the council and are the leading people in the party. The College of Burgomaster and Aldermen in the Netherlands is not politically homogeneous, and the German Magistrat generally reflects the council's political composition.

235. Two points of view emerge. On the one hand, it can be argued that party politics are part of the fabric of public life and the essence of party politics is conviction on certain principles, loyalty to a party's doctrines and the taking of sides. On this basis the members of the majority party might claim that they alone should serve on the management board where policy decisions will be taken. It can be further argued that as the management board would be an officially appointed committee of the council, the party leaders who form its membership could properly have the advantage of the advice of officers in taking decisions. At present, meeting as a party group, this is denied them. If the management board is composed of members of both the majority and minority parties, the real decisions are likely to be taken at private meetings of the leaders of the majority group and without the benefit of advice from officers.

236. On the other hand it can be argued that if the management board is monopolised by the majority party it will involve the Clerk and the other principal officers in association with and responsibility to a party majority and not, as now, to the council itself and all its members. If the majority party remains in power for a protracted period, members of the minority party will not be able to share in the responsibilities of the authority and able men and women sponsored by the minority party may be deterred from standing. Where the balance is fairly even, there are obvious advantages in the minority party

⁸¹ Volume 5, Chapter 5. Some effects of the presence or absence of party politics on the operation of local authorities: paragraphs 7 and 8.

being in touch with affairs so that they can assume responsibility when called upon. Moreover, as much of the work of a local authority is quite independent of party politics it can be strongly argued that the welfare of the community is best served and is seen to be best served if members of all parties are given an opportunity of contributing to its management. Such a development would remove one of the more divisive factors in local government.

237. The success of a management board will depend on its maintaining the confidence of the council. On balance we believe that the advantage lies in allowing minority parties to be represented on the management board, but the responsibility of the majority party for effective control must of course remain.

Terms and conditions of service of principal officers

238. We have given much thought to principal officers' conditions of employment and in particular to whether there should be greater or less security of tenure, and whether the requirement that certain appointments must have the approval of the appropriate minister⁶² should be extended or abolished.

239. There is a popular belief that local government harbours a number of employees who do not give value for money because they know that they will not be dismissed. We do not believe that greater security of tenure is likely to make the local government service more attractive to young men and women of ability.

240. At present an employee in the local government service who falls short of the requirements of his office is seldom if ever dismissed; dismissal normally follows only as a result of gross misconduct in his employer's affairs. A contributor to the statutory superannuation scheme for local government officers who leaves the service before he has served 40 years and attained the age of 60 or more, or before he has attained the age of 65, loses the benefit of the whole of the employer's contribution, unless he can obtain a medical certificate. He merely obtains a refund of his own contributions.

241. The Committee on Staffing endorses the view of the Ministry of Labour Committee on the preservation of pension rights that provision for preservation can 'remove one obstacle to mobility' of staff.⁶³ The right to 'freeze' pension rights may be sufficient to meet the case of a contributor who wishes to transfer to some other form of employment: it may not be enough to encourage authorities to terminate the appointment of principal officers who are not giving satisfactory service.

242. We have emphasised the need for principal officers to take wider responsibilities, to promote innovation and to lead their departments with energy and enthusiasm. Cases arise from time to time where a principal officer is found to be unable to discharge his duties either because of incompetence or loss of vigour. He should be enabled to leave the service without stigma. We have in mind that local authorities should be enabled, at their discretion, to pay either a lump sum or to pay such pension as the officer has earned at the date on which

⁶² For example, authorities are required to submit to a minister the short lists for the posts of education officer and children's officer.

⁶³ Report of the Committee on Staffing: paragraph 480.

his services are terminated. We recommend that the law should be amended to enable local authorities to terminate an officer's employment for reasons of inadequacy by the payment of a lump-sum, a pension or a combination of the two.

243. If this latitude is given to councils there will be no need to maintain the present provisions with regard to security of tenure: indeed, in the few cases in which a principal officer cannot have his contract terminated without the approval of a minister (e.g. medical officer of health, Clerk of a county council), the protection which the minister can give is worthless because the procedure of applying to the minister for approval will usually damage the principal officer's reputation and make it difficult for him to find other employment. Even if the minister refuses the application, the officer is clearly in a difficult position if he attempts to continue in the service of a council which has shown that it wishes to be rid of him.

244. Members place too much emphasis on promotion of officers from within the authority. While promotion from within the lower ranks of the service is desirable, too much 'in-breeding' is bad in the case of principal officers and their deputies and is indefensible when it results in the appointment of someone who has not the ability or strength of character of another candidate from outside. Councils should, however, be left free to make their own appointments.

245. We therefore recommend that:—

- (a) Appointments to principal officer posts lie within the discretion of local authorities and should not be subject to the consent, veto or sanction of a minister.
- (b) Termination of a principal officer's contract be a matter for the local authority and should not be subject to ministerial consent.

CONCLUSIONS

246. The organisation we advance in this chapter is designed to ensure the effective and efficient management of local affairs under the direction and control of elected representatives; that local authorities should be responsive to the variety of public needs and be an intelligible organisation of government to the citizens; that local authorities should generate local leadership to arrive at effective decisions at all levels and carry them out expeditiously. The distinction we make in the functions and responsibilities of members and officers, together with the proposed organisation, implies a radical re-adjustment of attitudes, but this radical re-adjustment is necessary if local government is to operate with greater efficiency and to carry the increased responsibilities which face it.

247. The evidence, the research reports and our own enquiries lead us to the view that there has been a failure in recent decades to adapt the internal organisation of local authorities to meet changing circumstances. The far reaching proposals we make in this chapter will doubtless meet opposition especially from those who feel that their positions will be adversely affected. Some will argue that the management boards we propose will break down under the pressure of the executive work which is at present done by committees. Others will see in our proposals the abdication by members of the responsibilities which they have traditionally assumed and will fear dangers in the transfer of

many of these responsibilities to officers. Others again will consider that management boards will grow out of touch with the services and functions of the local authorities. We attempt to show in this chapter that though the changes advocated will produce difficulties they are difficulties which can be faced with confidence. The need for change is already regarded by some members and officers as a challenge.

248. A difficult period of transition can be expected while new concepts are adopted and new attitudes learnt. This transition will put a special load on management boards, Clerks and other principal officers. Some members and some officers may be unable to adapt themselves to the new calls on their capabilities or may be found to be inadequate.

249. The changes in functions and responsibilities of members and of officers, and in the internal organisation, will, in our view, help to attract candidates for service as members of local authorities, as there will be less demand on their time, and their work will be both more constructive and interesting. The same changes will also help to make the work of the officers more attractive by giving additional responsibility and discretion and by eliminating the unnecessary burdens of the present system.

SUMMARY OF RECOMMENDATIONS

- (1) Local authorities should conduct a radical review of the respective functions and responsibilities of members and officers (paragraph 150).
- (2) Local authorities should consider a division of functions and responsibilities between members and officers as follows:—
 - (a) Ultimate direction and control of the affairs of the authority to lie with the members.
 - (b) The members to take the key decisions on the objectives of the authority and on the plans to attain them.
 - (c) The members to review, periodically, progress and the performance of the services.
 - (d) The officers to provide the necessary staff work and advice so that members may set the objectives and take decisions on the means of attaining them.
 - (e) The officers to be responsible for the day-to-day administration of services, decisions on case work, and routine inspection and control.
 - (f) The officers to be responsible for identifying and isolating the particular problem or case which in their view, and from their understanding of the minds of the members, has such implications that the members must consider and decide on it (paragraph 151).
- (3) Local authorities should adopt the guiding principle that issues are dealt with at the lowest level consistent with the nature of the problem (paragraph 152).
- (4) Local authorities should establish a managing body to be called 'the management board' composed of from five to nine members of the council (paragraph 158).

- (5) The functions of the management board should be:—
- (a) To formulate the principal objectives of the authority and to present them together with plans to attain them to the council for consideration and decision.
 - (b) To review progress and assess results on behalf of the council.
 - (c) To maintain, on behalf of the council, an overall supervision of the organisation of the authority and its co-ordination and integration.
 - (d) To take decisions on behalf of the council which exceed the authority of the principal officers, and to recommend decisions to the council where authority has not been delegated to the management board.
 - (e) To be responsible for the presentation of business to the council subject always to the rights of members under standing orders (paragraph 162).
- (6) Those provisions in the law which require local authorities to establish certain committees should be repealed (paragraph 204).
- (7) Committees should not be directing or controlling bodies nor should they be concerned with routine administration; no committee should have more than 15 members (including co-opted members) (paragraph 165).
- (8) Committees should be deliberative and representative bodies in the sense that:—
- (a) They make recommendations to the management board on the major objectives of the authority and study and recommend the means to attain these objectives; they examine new ideas which they and other organs have formulated.
 - (b) They have a duty to review progress on plans and programmes and on the operation of individual services as the management board does for the whole range of services.
 - (c) They consider the interests, reactions and criticisms of the public and convey them to the officers and if necessary to the management board.
 - (d) They consider any matters raised by their own members or referred to them by the management board (paragraph 166).
- (9) Committees should take executive decisions only in exceptional circumstances when the management board requires them to do this. These fields of decision-taking should be strictly defined by the management board and it should be made clear that the committees issue instructions to the officers only on these matters (paragraph 167).
- (10) The number of committees should be drastically reduced and similar or related services should be grouped and allocated to one committee (paragraph 169).
- (11) The Clerk should be recognised as head of the authority's paid service, and have authority over the other principal officers so far as this is necessary for the efficient management and execution of the authority's functions (paragraph 179(a)).
- (12) The Clerk should be responsible to the management board and through it to the council (paragraph 179 (b)).

- (13) The principal officers should be responsible to the council through the Clerk and their terms and conditions of service be such that the Clerk's position and their own position are made clear (paragraph 179(c)).
- (14) The duties of the Clerk should include ensuring:—
 - (a) The effectiveness and efficiency of the organisation and the co-ordination (and integration where necessary) of its activities.
 - (b) That the management board is adequately serviced to carry out its responsibilities by providing co-ordinated and integrated staff work and seeing that its decisions and those of the council are implemented.
 - (c) That effective control systems are devised and applied.
 - (d) That, under his leadership, principal officers work as a team, that able officers are given opportunities for self-development with responsibilities to match their talents, and that initiative and innovation are encouraged.
 - (e) That secretarial services are provided for all committees.
 - (f) That an effective establishment organisation is set up to secure economy in the use of manpower (paragraph 180).
- (15) Clerkships should be open to people of all professions and occupations (paragraph 181).
- (16) The principal officers should work as members of a team of managers and specialist advisers and see that the same approach is adopted by their staff at all levels (paragraph 182(a)).
- (17) The principal officers should be responsible to the council through the Clerk for the efficient and effective running of the services provided by the departments of which they are the heads (paragraph 182(b)).
- (18) The principal officers should execute the instructions of the council and of the management board and take such decisions as are necessary (paragraph 182(c)).
- (19) The principal officers should advise the management board and the committees as necessary and provide the necessary staff work together with professional and technical advice as requested (paragraph 182(d)).
- (20) The principal officers should be active in promoting innovation and improvements throughout the authority (paragraph 182(e)).
- (21) Local authorities should adopt a systematic approach to the processes of management and require their Clerks to prepare time-tables to be included in management procedure guides which will ensure that objectives are set and progress reviewed in all fields of activity (paragraph 187).
- (22) Provision should be made in the law on the following lines:—

'Anything required and authorised under an Act to be done by a local authority may be done by an officer of the authority authorised in that behalf by the authority either generally or specifically' (paragraph 194(a)).
- (23) Provision should be made in the law to require that a document purporting to be signed by an authorised officer containing a decision of a local authority shall be accepted by the courts (paragraph 194(b)).

- (24) Provision should be made in the law to allow a local authority protection in any court or tribunal from being asked to disclose on discovery or interrogatories or in evidence whether the decision has been taken by the local authority or a committee or an officer acting within delegated powers (paragraph 194(c)).
- (25) In all cases involving judicial or quasi-judicial considerations, local authorities should be enabled to determine for themselves how the applications should be dealt with and their decisions taken (paragraph 195).
- (26) The members of the management board should not be regarded as responsible individually for the running of particular services or departments; this is the responsibility of the officers (paragraph 210).
- (27) Individual members of the management board should have special spheres of interest and speak on them (paragraph 211(a)).
- (28) Emphasis should be placed on the collective responsibility of the management board for what they decide as a majority and not on the individual responsibility of a member (paragraph 211(b)).
- (29) Provision should be made for principal officers to consult members of the management board but this process must not be allowed to distort the organisation pattern. The relationship between individual board members and principal officers should not result in the Clerk being by-passed nor should the management board member break the unity of the board by acting independently (paragraph 211(c)).
- (30) Local authorities should be enabled to pay management board members part-time salaries in addition to:—
 - (a) the fixed expenses allowances proposed for all members;
 - (b) allowances for travel within and outside the local authority area;
 - (c) subsistence allowance for duty journeys outside the local authority area (paragraph 217(a)).
- (31) The Minister of Housing and Local Government should prescribe the salary scales to be paid to members of management boards. These scales should be related to the salaries paid to part-time members of public boards of a commercial character (paragraph 217(b)).
- (32) Each authority should consider separating the functions of the chairman of the management board from those of the mayor or the chairman of the council (paragraph 222).
- (33) Local authorities should examine their departmental structure with a view to a drastic reduction in the number of separate departments (paragraph 227).
- (34) Local authorities should develop the use of management services, the rapidly developing tools of measurement and control including the use of computers, to the maximum (paragraph 233(a)).
- (35) Where local authorities cannot themselves justify the setting up of management services, e.g. the installation of their own computers, joint arrangements with other authorities should be established (paragraph 233(b)).

- (36) The law should be amended to enable local authorities to terminate an officer's employment for reasons of inadequacy by the payment of a lump-sum or a pension or a combination of the two (paragraph 242).
- (37) Appointments to principal officer posts should lie within the discretion of local authorities and should not be subject to the consent, veto or sanction of a minister (paragraph 245(a)).
- (38) Termination of a principal officer's contract should be a matter for the local authority and should not be subject to ministerial consent (paragraph 245(b)).

Relations between Central Government and Local Authorities

INTRODUCTION

250. The local administration of public services is essential; that the local organs of administration should be democratically elected bodies is not. Nevertheless our view is that although certain services may be provided locally by outposts of central government, or by *ad hoc* bodies appointed by it, democratic local self-government is an essential institution and that where functions, present or future, can be performed by local authorities, they should be performed by them. Although local authorities are elected bodies they have to operate within the framework of the constitution in which sovereignty lies in Parliament. In this respect English local authorities are in the same position as those in other countries whose practices we have examined. But our review of local government administration at home and abroad in Chapter 2 shows that, despite the sovereignty of the legislatures and the overall responsibility of central government, local authorities in those countries with the exception of Eire enjoy wider discretion than our own.¹

251. The Report of the Local Government Manpower Committee recognised that:—

'the local authorities are responsible bodies competent to discharge their own functions and that, though they may be the statutory bodies through which Government policy is given effect and operate to a large extent with Government money, they exercise their responsibilities in their own right, not ordinarily as agents of Government Departments. It follows that the objective should be to leave as much as possible of the detailed management of a scheme or service to the local authority and to concentrate the Department's control at the key points where it can most effectively discharge its responsibilities for Government policy and financial administration'.²

The Manpower Committee clearly recognised the competence of local authorities to manage their own schemes and services; it did not acknowledge that local authorities had discretion to decide what schemes or services they would supply.

252. Local authorities occupy a wide range of subsidiary or dependent positions in relation to Parliament and the central government. Even where a local authority has legal independence of action, it owes it to statute, and in any case is likely to be dependent on the central government for finance. It would be wrong to say that local authorities have no life other than that which Parliament breathes into them; but they have no purpose other than that which Parliament allows.

¹ Chapter 2, Paragraphs 45–50.

² First Report. Cmd. 7870 (1950): Appendix I: section III.

253. On 4 November, 1964, the Secretary of State for Economic Affairs outlined to Parliament³ the Government's proposals for regional economic planning. Regional economic planning boards, comprising regional officers of the Board of Trade, Ministry of Labour, Ministry of Housing and Local Government and other government departments, were to be established in each region. In the subsequent debate the Government explained that the boards would not possess any executive powers; these powers would remain vested in the various departments whose representatives served on the boards. Clearly, however, any recommendations made by the boards would usually be carried out by the departments responsible for the service affected. Regional economic planning councils were also to be established to advise upon matters affecting the economic policy of the regions. The Secretary of State was to appoint the members of the councils, after consultation with the interests concerned, to be drawn from industry, local government, commerce and the universities. There was immediate and sustained criticism of these proposals from those who saw the setting up of regional arms of central government as a threat to the powers and independence of local authorities. In a leading article 'The Times' drew a comparison between the planning boards and the French system of prefectures and suggested that the councils were more like nominated commissions than elected local government and wondered whether these proposals indicated that confidence in local government as an institution was declining.⁴

254. Because of the ensuing widespread discussion of regionalism and its implications for local government, our Chairman made an approach to the Permanent Secretary of the Ministry of Housing and Local Government to see if the importance of our work was in any way affected. In her reply, the Permanent Secretary sent an assurance that the importance of our work far from being diminished was in fact enhanced; it was the Government's intention that the relationship between central and local government in the regions should be a partnership and it was therefore essential that local authorities should equip themselves to play their full part.

255. Local authorities are legally independent in the sense that they have separate legal existences as corporate bodies. In this respect they are little different from statutory bodies such as the new town corporations, the Coal Board, BOAC and BEA. To local authorities' legal independence there is added a degree of political and financial independence because they are elected bodies with interests of their own, and also have powers to levy rates. Further they have a practical independence because they can, within limitations which vary with the services they are required or empowered to administer, determine policy on the administration of those services.

256. Local authorities are dependent on Parliament for the basic legal powers to tax, that is to raise money by the rates, and to interfere with individual and public rights. In this country their freedom is limited by the doctrine of *ultra vires*, in that they must be able to point to statutory sanction, in general enabling legislation, in specific legislation or in private acts for every action taken by

³ Hansard: 4 November 1964, column 229.

⁴ 'The Times', 10 November 1964.

them. It is not sufficient that a course of action should seem to a local authority to be in the public interest; it cannot embark on it without the authority of an Act of Parliament.

NATURE OF CENTRAL GOVERNMENT CONTROL

257. The Local Government Boundary Commission, in considering the causes of weakness in local government, referred to the practice in the second half of the nineteenth century when 'legislation was content to leave local authorities with a wide measure of discretion in the exercise of their functions . . . Since the close of the century a sharp reversal of this policy has been apparent . . . The later pattern of legislation directs it (the local authority) to prepare and submit to the appropriate Minister a scheme of arrangements for making the service available and empowers the Minister to accept, modify, or reject the scheme as he thinks fit'.⁵ In the past local authorities enjoyed considerable freedom in the exercise of powers conferred or of obligations imposed on them; more recently when powers have been given to local authorities, at the same time new responsibilities have also been given to ministers. The autonomy of local authorities has thus been sensibly diminished.

258. The powers conferred on ministers vary in the extent to which they confine those of local authorities. On the one hand a minister may have powers of guidance, supervision or even approval. For example:—

- (a) The Children Act, 1948, provides that ' . . . local authorities shall exercise their functions . . . under the general guidance of the Secretary of State . . . '.
- (b) Under the Town and Country Planning Act, 1947, a local planning authority had to carry out a survey and submit to the Minister a report of the survey and a development plan; under the 1962 Act an authority has to carry out a further survey every five years and to submit a report together with proposals for any alterations to the existing plan.
- (c) Under the National Health Service Act, 1946, each local health authority had to submit proposals for carrying out its duties to the Minister who might approve them with or without modifications.
- (d) Under the National Assistance Act, 1948, local authorities were required to prepare schemes for welfare services prescribing in detail the duties which they were each to carry out. A Minister might not only modify a scheme, he might make a scheme or require the submission of a revised scheme.

On the other hand, a minister may be statutorily responsible for a service with local authorities as his instruments. For example:—

- (e) The Education Act, 1944, provides that 'it shall be the duty of The Secretary of State for Education and Science to promote the education of the people of England and Wales and the progressive development of institutions devoted to that purpose, and to secure the effective execution by local authorities, under his control and direction, of the national policy for providing a varied and comprehensive educational service in every area'.

⁵ Report of the Local Government Boundary Commission for the year 1947: part III; paragraph 6.

- (f) The Public Libraries and Museums Act, 1964, lays upon the Secretary of State 'the duty to . . . superintend, and promote the improvement of, the public library service provided by local authorities in England and Wales, and to secure the proper discharge by local authorities of the functions in relation to libraries conferred on them as library authorities . . . '.

259. Local authorities do not deal with a single department of state, and the attitude of central government varies not only with the relevant legislation, but also according to the practices of the department and the nature of the service. Some indication of the extent of ministerial involvement in administrative detail (as distinct from the more far reaching controls dealt with in later paragraphs) may be seen in the following examples:—

- (a) *Libraries, museums and art galleries.* The Secretary of State specifies the amount that a person may be charged for notifying a person that a book or other article reserved by him has become available for borrowing or in respect of failure to return a book or the article before the end of the period for which it was lent.⁶ The consent of the Secretary of State is necessary for a local authority, maintaining a museum or art gallery, to enter into an agreement with any other local authority empowered to maintain it for the transfer of the museum or gallery and its collections to that authority.⁷ (This petty and restrictive legislation shows that little notice has been taken of the views of the Local Government Manpower Committee.)
- (b) *Education.* The removal of a school to a new site requires authorisation by the Secretary of State.⁸ Grievances from parents concerning school attendance orders may be submitted to the Secretary of State and he may give such directions as he thinks fit.⁹ Proposals for the establishment of camps, holiday classes and playing fields, at which facilities for recreation and social and physical training are provided, must be approved by the Secretary of State.¹⁰ The Secretary of State may direct a local authority to provide transport facilities for pupils.¹¹ The Secretary of State by regulation may empower local authorities to provide clothing suitable for physical training.¹²
- (c) *Health.* The Minister must be satisfied about provision, equipment, staffing and maintenance of health centres.¹³ Arrangements for providing domestic help for households when this is required, owing to the presence of any person who is ill, lying-in, an expectant mother, aged, or a child not over compulsory school age, must be approved by the Minister.¹⁴
- (d) *Children.* The Secretary of State must approve provision of hostels for young persons.¹⁵ The local authority cannot, without the Secretary of

⁶ Public Libraries and Museums Act 1964: section 8(2).

⁷ Ibid: section 12(2).

⁸ Education Act 1944: section 16.

⁹ Ibid: section 37(4).

¹⁰ Ibid: section 53(1).

¹¹ Ibid: section 55(1).

¹² Education (Miscellaneous Provisions) Act 1948: section 5(3).

¹³ National Health Service Act 1946: section 21.

¹⁴ Ibid: section 29(1).

¹⁵ The Children Act 1948: section 19.

State's consent,¹⁶ make arrangements, other than appointment of a children's committee, for certain responsibilities under the Children and Young Persons Acts. The Secretary of State must see particulars of candidates for posts of children's officer, and may prohibit appointment of any he thinks unfit.¹⁷ The Secretary of State may make regulations governing boarding out.¹⁸

260. Local authorities have only limited freedom to order their own internal affairs and procedures. Legislation requires committees to be set up for certain services; for example, education, health, welfare, children, diseases of animals, small-holdings and allotments, but not for others. The law lays down the procedure for the conduct of a local authority's meetings; the expenses and allowances of members are minutely prescribed. The law prescribes the purposes for which and the mode in which money may be borrowed. The accounts of local authorities (except some accounts of some borough councils outside Greater London) are subject to audit by district auditors appointed by the Minister of Housing and Local Government and the accounting procedure for accounts subject to district audit is controlled by law. The district auditor has a duty to disallow every item of account which is contrary to law and to surcharge the amount of any expenditure disallowed upon the person responsible for incurring or authorising the expenditure. Statutes prescribe the officers which local authorities must appoint. The salary of a county council Clerk is subject to the approval of the Minister and the county Clerk cannot be dismissed without the Minister's approval. The dismissal of a county medical officer of health, and in some cases of a medical officer for a county borough or county district, is subject to the consent of the Minister of Health. The Secretary of State must be consulted before the appointment of a chief education officer and he may veto the appointment of any person in the list of candidates.

261. Apart from the statutory responsibilities of ministers and apart from their guiding, supervisory and approving functions laid down in legislation, there are many other methods by which the central government influences and controls the work of local authorities. Circulars are issued to obtain information, to explain new legislation, to introduce departmental publications and to give policy or technical guidance to local authorities. Ministers have appellate and confirmatory functions in the approval of general plans, proposals and schemes relating to certain services and for compulsory purchase and slum clearance orders. Ministers act in quasi-judicial capacity in, for example, disputes between local education authorities and governors of schools and hear appeals by parents against the refusal of local education authorities to amend or revoke a school attendance order. There are government inspectors for the children, fire and police services and for schools. Their duties are both inspectorial and advisory. Other inspectors conduct enquiries into compulsory purchase and slum clearance orders, and into development plans and planning appeals. Under legislation ministers have powers to act in default of a local authority as for instance in the case of libraries, housing and planning.¹⁹

¹⁶ *Ibid*: section 40.

¹⁷ *Ibid*: section 41.

¹⁸ *Ibid*: section 14.

¹⁹ This summary has relied on material in 'Central Departments and Local Authorities' by J. A. G. Griffith (published for the RIPA) pages 54-62.

FINANCIAL DEPENDENCE OF LOCAL AUTHORITIES

262. Local authorities are heavily dependent for their income on the central government as the following figures show:—

	1962-1963 ²⁰		1963-1964 ²⁰		1964-1965 ²⁰		1966-1967 ²¹ (Estimated)	
	£ Thousand	%	£ Thousand	%	£ Thousand	%	£ Thousand	%
Rates ...	831,265	33.4	923,077	33.3	991,159	33.1	1,290,000	33.8
Rents and trading services ...	753,598	30.2	826,698	29.8	900,066	30.1	1,100,000	28.8
Grants ...	906,973	36.4	1,022,446	36.9	1,102,989	36.8	1,425,000	37.4
	2,491,836	100.0	2,772,221	100.0	2,994,214	100.0	3,815,000	100.0

If revenue from rents and trading services is ignored, local authorities in England and Wales were dependent on grants from the central government for over 52% of their revenue in the financial years 1962/63, 1963/64, 1964/65 and 1966/67. In Chapter 2, we point out the much greater dependence of English local authorities on central government finance than that of local authorities in other countries whose practices we have examined.²² It was intended that the general grant (which replaced many, but not all, specific grants) should increase the independence of local authorities in the spending of their money,²³ but there was little change in the position. It is significant that the new rate support grant which replaces the general grant on 1 April 1967 has been designed to allow the central government for the first time to influence the expenditure on all local authority services.

263. It is in the sphere of borrowed money that the greatest control is exercised. Under the 1933 Act local authorities have a general power to borrow for acquiring land, erecting buildings, executing any permanent work or any other purpose for which they are authorised under any enactment to borrow, but permission to borrow is required from the Minister of Housing and Local Government (with the exception of a few purposes involving the Minister of Transport).²⁴ This takes the form of a loan sanction which is issued only after detailed scrutiny. Even the largest authorities have to submit applications for individual projects.

264. Control of borrowing was originally instituted to prevent local authorities from entering into commitments beyond their means. Nowadays it is used for the purposes of economic control: to keep local authorities' investment programme in step with the national programme and the current financial situation. This control could be effected by simpler and more suitable means than the loan sanction with less control of details by the use of block sanctions, designed to allow local authorities more latitude in the choice of projects.

²⁰ 'Local Government Financial Statistics—England and Wales'.

²¹ Information from IMTA.

²² Chapter 2: paragraphs 51–56.

²³ Local Government Finance, July 1957. Cmd. 209.

²⁴ 1933 Act: sections 195 and 218.

INFLUENCE OF LOCAL GOVERNMENT ON CENTRAL GOVERNMENT

265. It has been remarked that to speak of the relationship between the central government and the local authorities as one of control is a partial misdescription. 'Many, in some fields most, of the important national advances—both in policy and technique—have originated in the minds of the officers and members of local authorities, receiving a wider dissemination through the departments'.²⁵ The same commentator has written that it is difficult to exaggerate the importance of the local authority Associations in influencing legislation, governmental policies and administration and in acting as co-ordinators and channels of local authority opinion.²⁶

WRITTEN EVIDENCE

266. Submissions on the relationship between the central government and local authorities are not numerous, but they are unanimous in their criticism of central government control and in recommending greater freedom of action for local authorities. Some witnesses are concerned with the effect of central government control on the attitudes of members towards local government work. A borough council refers to the waning enthusiasm of elected members and says that the primary reason is the sense of frustration at the lack of speed with which projects can be brought to fruition; the council wonders whether it is possible to speed up the machinery by granting local authorities greater powers and removing the necessity for ministerial consents. The Royal Institution of Chartered Surveyors considers that too close a control by the central government of local government organisation, by lowering the status and responsibility of the latter, can be a powerful factor in making local government service as a member less attractive to the very people who can make the best contribution as members at the local level. A large county council believes that local authorities are tending to become agents of the central government, implementing national policies according to the latter's dictates. The council feels that this leads to apathy and makes members less willing to spend time and trouble on local government work; central government control should not operate in spheres in which local government can well exercise its own discretion.

267. The need for wider discretion for local authorities is developed further by other witnesses. The Society of Town Clerks considers that the doctrine of *ultra vires* is probably more irksome to members than to officers only because the latter have grown up with it. It points out that members are quite at a loss to understand why statutory authority has to be found for everything which they wish to do. They regard themselves as representatives of the public, responsible for the management of a large business. Yet they have to be told that they cannot do what they regard as simple things and which they consider the public interest requires. The Society states that the grudging acknowledgement in the Local Government (Financial Provisions) Act of 1963 that a penny rate may be spent on 'purposes which in the opinion of the local authority are in the interests of their area or the inhabitants and for which no other statutory powers exist' has

²⁵ J. A. G. Griffith, *op.cit.*, page 18.

²⁶ J. A. G. Griffith, *op.cit.*, page 33.

come so late and is so trifling that it does not really accord with the view that the local authority is a responsible body. The Society is of the opinion that a critical examination of the validity and usefulness of the doctrine of *ultra vires* under modern conditions is justified. Another witness describes the *ultra vires* doctrine as a brake on progress which has frequently prevented or delayed speedy local action in some enlightened or original reform or project; local government should not be regarded as a dangerous animal to be curbed but rather it should be enabled and encouraged to do anything which the local community needs and which is not contrary to law. Another witness urges that local authorities should be allowed to do all that is not illegal. The Association of Local Government Financial Officers points out that in such activities as urban redevelopment the doctrine of *ultra vires* can mean that local authorities are at a serious disadvantage compared with private enterprise in the advance acquisition of land; local authorities have traditionally to promote their own legislation to obtain freedom of action in many matters in which industry and commerce are quite unfettered.

268. Reference is also made to the effects of the district auditor's power of surcharge. The Association of Local Government Financial Officers believes that this power should be reviewed as local authorities are the only public bodies subject to this type of penalty. This point is taken up by a large county council which says that, although public accountability is obviously necessary, the extent to which local authorities have to look over their shoulder with the district auditor in mind does not encourage imaginative and venturesome outlooks. A rural district council states that the power of surcharge can be a bogey to mesmerise councillors into not taking a particular decision; the council suggests that the district auditor's powers of surcharge should be removed.

269. The financial position of local authorities is not criticised by witnesses although the National and Local Government Officers Association (NALGO) considers that if local authorities are to have a large measure of independence from the central government they must either have a large degree of financial autonomy or the arrangements under which grants from central funds are made must be designed to preserve or strengthen the independence of local authorities; the financial weakness of local authorities should not be regarded as necessitating a further whittling away of local authorities' independence. There is a need for partnership with the central government not overlordship by it.

FINDINGS OF THE SOCIAL SURVEY

270. Although the volume of written evidence on this subject is small, it is critical of the present situation. The findings of the Social Survey do not point to any serious concern amongst members and ex-members about the degree or incidence of central government control over local authorities. Over half the sample of members say that councils do not need greater powers than they have and this attitude is particularly noticeable amongst members in county and in rural district authorities.²⁷ Over half the sample think that the central government does not put any unnecessary limitations on the freedom of their councils.²⁸

²⁷ Volume 2. The local government councillor. Table 4.23.

²⁸ Ibid. Table 4.24.

The Survey notes that those members who are employers and managers of small and large concerns, professional workers and farmers are less likely than manual and non-manual workers to feel that more power is needed by their councils.

271. When asked what is the one thing they find most frustrating or unsatisfactory in their local government work, less than a fifth of members refer to relations with the central government or with the county council. Only about a tenth of members of county and county borough authorities refer to this factor (which, in these instances, would relate primarily to central government).²⁹ About a quarter of the sample mention delays, slowness and inability to get things done and to the difficulty of obtaining finance. Both these factors can be interpreted as part of the wider frustration of relations with the central government. The attitudes of ex-members are not dissimilar.³⁰

272. The Social Survey asked its sample of electors what they think is the one most important thing that can be done to attract people into local government. Only 2% say that the councils should have more autonomy³¹ but it should be remembered that no single factor is given a great deal of weight by respondents; it is noticeable however that, of the respondents who are large employers or professional workers, 8% hold this view.³²

CONCLUSIONS AND RECOMMENDATIONS

273. We are clear that there is a tendency for control and direction by the central government to increase, and for the financial independence of local authorities to decline still further, and that both these tendencies weaken local government as an organ of government and detract from its effectiveness. We are left in no doubt that both central-government and local authorities accept, as part of the natural order of things, local government's role as a subsidiary instrument of public administration. We see a dangerous complacency amongst local government members and officers in their acceptance of the way in which the initiative of local authorities is sapped and in their acquiescence in growing government interference through regulations, directions and exhortations. We see this leading to a general impatience with the democratic element in local government, and to pressure for local administration to be performed by organs untrammelled by popular representation, more amenable to central control and fitting tidily into a unified structure of public administration. The case for democratic local government is undermined if local authorities are reduced to complete dependence on the central government and if they are regarded as mere agents of the will of the central government with no life of their own.

274. We write our Report at a time when the structure of English local government is the subject of enquiry by a Royal Commission. Any reorganisation of local government which flows from this enquiry will depend for its success on the vitality of local authorities. To achieve this a re-fashioning of the role of local government in public affairs is required.

²⁹ *Ibid.* Table 4.5.

³⁰ *Ibid.* Table 9.38.

³¹ Volume 3. The local government elector. Table 177.

³² *Ibid.* Table 179.

275. The issues are examined under the following heads:—

- (a) the political relationship between central and local government;
- (b) the constitutional position of local authorities;
- (c) the financial position of local authorities;
- (d) the administrative relationship between the central and local government.

Political relationship between central and local government

276. The central government must have an overall responsibility for the promotion of the national interest, but the extent to which the central government should, in practice, carry this responsibility by invading the sphere of local government activity is of some importance to our enquiry. The central government plays an increasing part in the ordering of society, and the public is conditioned to look at it as the only source of power and authority. The Boundary Commission in 1947 said that there was an increasing tendency of Parliament to hold ministers and their departments responsible for every act or omission on the part of a local authority.³³ It seems to us that no minister is willing to disclaim responsibility for an issue relating to his portfolio even though it is within the province of a local authority; there is a notable tendency for ministers to claim credit for achievements which in fact result from local authorities' schemes or proposals and from local authorities' energies in their execution.

277. Nationalised industries are operated and administered by public corporations and their relative independence from direction by the central government and from scrutiny by Parliament is a matter of continuous and, periodically, critical discussion. Those national services which are the responsibilities of local authorities reflect the policies of the central government. These policies may represent party political aims. Local authorities which are run on party political lines may be in sympathy with, or opposed to, certain of these aims. The interests of central and local government may not always coincide; they may be in conflict because of different views on priorities, or on methods or techniques quite unrelated to party political aims. Even where party political views are common, local interests may still run counter to those of the central government. Local authorities vary in the range and quality of their resources; the central government may consider that in the national interest there must be a standard of adequacy for a service which all local authorities must observe; this pursuit of common standards involves the central government in the affairs of local authorities.

278. The present climate of opinion which expects the central government to concern itself deeply in the affairs of society, the concern of the national political parties for their reputation, a social conscience which demands that the standard of services should not for any reason be lower in some areas than in others, the need to control national resources of money and manpower, all contribute to a centralising process which weakens the effectiveness of local authorities, magnifies their subordinate role and reduces them in the eyes of the public to the status of mere agents of the central government. Their legal and constitutional position, their financial dependence and their administrative subordination all reflect

³³ Report of the Local Government Boundary Commission for the Year 1947; part III: paragraph 6.

political attitudes. We do not consider that people of calibre will be attracted to the service of local authorities when the realities of power and influence are concentrated at the centre, nor do we see local authorities being responsive to the needs of their electorate, when an excess of responsibility is assumed by the central government.

279. Our conclusions are:—

- (a) That a fresh approach is required by the central government which ought to acknowledge openly that local authorities are not only responsible for the administration of such services as are conferred upon them by Parliament within the framework of national policy, but are also competent to administer them. This approach should allow local authorities freedom to provide other services which they believe are necessary.
- (b) That local authorities should be seen to be responsible to their electorates for the adequacy of the services which they provide.
- (c) That unless local authorities are seen to have a greater measure of responsibility, they are unlikely to continue to attract people of high ability to their service to share in it.

Constitutional position of local authorities

280. In Chapter 2 we draw attention to the relative freedom from statutory restrictions enjoyed by local authorities in certain foreign countries, e.g. Germany and Sweden, where local authorities possess what is called 'general competence', i.e. general power to act for the good of the community, which they regard as an essential element in local democracy. In England, by contrast, local authorities, with the ambiguous exception of borough councils,³⁴ must be able, through the application of the doctrine of *ultra vires*, to point to specific statutory authority for each and every act. At any time the doctrine of *ultra vires* may be invoked against them, while the district auditor stands in the wings with power to impose surcharge on those responsible for unauthorised expenditure, a power for which we have not found a parallel in any other country. The power contained in the Local Government (Financial Provisions) Act 1963, to incur expenditure 'for any purpose which in their (a council's) opinion is in the interests of their area or its inhabitants' and for which no statutory power exists and subject to the maximum of the product of a penny rate,³⁵ has not materially altered the position. It was described to us as a 'grudging acknowledgement, so late and so trifling.'

281. We have, therefore, to ask ourselves whether local authorities in this country should have greater freedom and, if so, how it should be accomplished. To deal with all the implications of this question would take a long time and increase the length of our Report. Accordingly we confine ourselves to answering four questions: whether local authorities should be given powers of a more general nature; whether the statutory provisions prescribing the manner in

³⁴ Borough councils being common law corporations stand in a somewhat different position to *ultra vires* from the statutory corporations. But as the common law status does not confer the power of taxation, borough councils are in practice in much the same position as the other types of local authority.

³⁵ Local Government (Financial Provisions) Act 1963: section 6.

which local authorities carry out their duties should be relaxed; whether local authorities should have readier means of modifying their statutory powers than those now available; and whether the district auditor's power of surcharge should be abolished. We deal with each of these four matters in turn in the following paragraphs.

282. Officers' associations which express views to us—the Society of Town Clerks and the Association of Local Government Financial Officers—are in favour of modifying the doctrine in its application to local government. The former thinks it not consonant with the position of members who find it difficult to understand why statutory sanction has to be found for every act; the latter remarks that it puts local authorities at a disadvantage. Among comments of individual witnesses are that it 'puts a brake on progress', and that it 'does not encourage an imaginative and venturesome outlook', also that it is a 'bogey'. On the other hand many Clerks have come not only to accept the doctrine, but find it useful as a means of restraining members. Further, the authors of the research report do not find any members who feel strongly about the legal restrictions on the powers of local authorities,³⁶ and they are surprised at the number of members and of officers who are not conscious that the *ultra vires* doctrine exercises any inhibiting effect.

283. Our view is that *ultra vires* as it operates at present has a deleterious effect on local government because of the narrowness of the legislation governing local authorities' activities. The specific nature of legislation discourages enterprise, handicaps development, robs the community of services which the local authority might render, and encourages too rigorous oversight by the central government. It contributes to the excessive concern over legalities and fosters the idea that the Clerk should be a lawyer. Dr. Marshall refers to the following substantial advantages of the possession of a general competence:—

- (a) The local authority is encouraged to regard itself as responsible for the well-being of the community as a whole and not as a provider of specified services each regulated by specific statutes.
- (b) There is the practical value of the freedom for local authorities themselves to expand their activities or to do so by participating in the efforts of other bodies.
- (c) Dependence on statutory power for each function invites regulations, detailed scrutiny, comments, returns, inspections and the like.³⁷

The evidence clearly points to the desirability of softening the rigours of the *ultra vires* doctrine. They have already been relaxed to some extent for the new town corporations.³⁸

284. The modification we would propose would not mean that local authorities would cease to be subject to the rule of law. The supremacy of Parliament is not in question. Nor are we advocating the abolition of the doctrine of *ultra vires* for local authorities would still have to work within the statutes. They

³⁶ Volume 5, Chapter 18, Central and local government relations: paragraph 2.

³⁷ Volume 4, Local government administration in the Federal Republic of Germany: paragraph 19.

³⁸ Sir William Hart: 'Public Administration', Autumn, 1948 (Vol. XXVI), page 148.

would continue to have statutory duties and limitations imposed upon them and permissive powers granted to them, and their governmental and coercive powers would be regulated by law. They would however have, in addition to their specific statutory duties and permissive powers, general powers to meet the needs of the community.

285. In other words they would have a 'general competence' enabling them to undertake at their discretion services for the community additional to those provided for by specific legislation. We believe that this extension of power would in due time induce a much less negative outlook in those concerned with local government both at central and local levels, while at the same time the citizens' needs would be better catered for. The likelihood that, because of the comprehensive nature of local authorities' existing obligations, the new services would be marginal and supplementary, does not in any way detract from the benefit of what is, in our opinion, a much needed reform.

286. 'General competence' clauses are invariably subject to some limitation for the protection of public and private interests. In Sweden the courts have introduced the following restrictions: local authorities may not normally engage in speculative enterprise having no objective other than economic profit; they must have legislation to cover grants to private individuals or groups of individuals; they may not favour or discriminate against particular groups or persons; they may not alienate property to an industrial enterprise without compensation; and they may not guarantee loans to private enterprises to prevent them leaving the area. These are in addition to the requirement—found wherever 'general competence' operates—that the local authority must not encroach on the duties of other public bodies. Comparable but of course not identical restrictions would be needed in this country. We have not the resources to go fully into this question, but safeguards we have particularly in mind are those to prevent unfair dispossession of property owners, the subsidising of speculative trading from public funds without specific statutory authority, and discrimination against particular persons or groups of persons. But we recognise that the nature of the restrictions and the manner of making the change would have to be determined after further investigation. We therefore recommend that local authorities should be given a general competence to do (in addition to what legislation already requires or permits them to do) whatever in their opinion is in the interests of their areas or their inhabitants subject to their not encroaching on the duties of other governmental bodies and to appropriate safeguards for the protection of public and private interests.

287. Our second question relates to the ways in which local authorities are hampered by the statutory provisions regulating the manner in which they may discharge their duties, or which require central government consent for actions which the local authorities themselves could well decide. The research report and this chapter abound with examples of these restrictions. They would include provisions governing internal administration (appointment of compulsory committees etc.), many kinds of minor actions at present needing ministerial approval, sections requiring charges to be approved, the prescription of scales of expenses, approval of the dismissal of certain officers, the regulation of institutions, and the detailed approval of schemes of various kinds. The con-

struction of a complete list would involve a thorough search of all the acts and regulations relating to local government, a task beyond our resources. We believe however that such an examination should be made. We therefore recommend that the Government, in consultation with the local authority Associations, should examine existing legislation to see what provisions might be repealed with a view to leaving local authorities the maximum freedom in organising their affairs and carrying out their work.

288. Our third question stems from the difficulties local authorities experience in obtaining legislation of a minor kind authorising adjustments in their powers and services to meet changing circumstances. A general competence would help this situation in that some of the new things local authorities might want to do would be covered by the new general enabling powers. But others could only be secured by statutory provisions, e.g. adjustments to statutory duties or new provisions for the preservation of law and order. At present individual authorities can obtain these powers by the expensive and slow process of promoting a private bill. Powers cannot be made general until the government can find time to incorporate them in an omnibus bill. We have accordingly sought a simpler way.

289. We have in mind a procedure similar to that provided for the Church of England under the Church of England Assembly (Powers) Act 1919. The objects of this Act were to give the Church powers of self-government and to provide a way of overcoming the almost insuperable difficulties of securing church legislation by the normal processes of Acts of Parliament. The Assembly is empowered to pass Measures in the form of Parliamentary bills for transmission to Parliament which may accept, or reject, but not amend them. A Measure may relate to any matter concerning the Church of England and may extend to the amendment or repeal in whole or in part of any Act of Parliament. Once it has received the Royal Assent, it becomes law. Measures go through four stages in the Assembly; Introduction which is purely formal, General Approval, Revision and Final Approval. They then pass into the hands of the Assembly's Legislative Committee, who in turn refer them to the Ecclesiastical Committee of Parliament which arranges for them to be brought before both Houses. If the Ecclesiastical Committee passes the Measure, it then receives the Royal Assent provided only that a resolution asking for the Royal Assent to be given is passed by each House of Parliament. Translated into local government terms, this implies legislation similar to that of the Church of England Assembly (Powers) Act, a local government assembly or similar body, and a Local Government Committee of Parliament comparable to the Ecclesiastical Committee. Measures might emanate from individual local authorities or local authorities as a whole. Major legislation would continue to be promoted by the Government in the normal way. We accordingly recommend that the Government, in consultation with the local authority Associations, should introduce legislation to provide a procedure for local government measures similar to that for Measures of the Church Assembly.

290. There remains the power of the district auditor to impose a surcharge upon those responsible for illegal expenditure or loss of moneys. District audit does not apply to the whole of local government accounts: most accounts of

most borough councils are audited by auditors with no power of surcharge. We are not aware that financial affairs not subject to district audit are conducted in an inferior way. The principle behind surcharge is in any case out of keeping with the autonomous and responsible local authorities we visualise for the future. We believe that fear of surcharge is an inhibiting feature, damaging to local government as much by its effect on the attitudes of members and officers as by the specific restraints it exerts. We therefore recommend the abolition of the district auditor's power of surcharge.

Financial position of local authorities

291. The problem of local government finance is outside our terms of reference. Nevertheless we point out that the financial dependence of local authorities on the central government which we refer to in Chapter 2 and also in paragraph 262 above militates against the sort of freedom we advocate for local authorities.

292. The White Paper of February 1966 says that 'the outcome of the Government's review of local government finance so far . . . reinforces the conclusion to which they have come on other grounds that there is an urgent need for a comprehensive review of local government . . . The need to produce financially strong authorities will clearly be one of the considerations which the (Royal) Commission will take into account, and the new structure which emerges from their deliberations should provide a more promising context for drastic reform of local government finance'.³⁹

293. Our conclusions are:—

- (a) That the need for central government control over local authorities' capital investment and of their borrowing is necessary as part of central control of the national economy, but that this control should be used only for fiscal and economic purposes and not to hamper the discretion of local authorities in the development of their services, nor to impose the will of the departments on designs and technical or administrative considerations in schemes or projects.
- (b) That if local authorities are to have the degree of independence for which we seek, additional sources of revenue should be available to them.

Administrative relationship between central and local government

294. We have made no detailed study of the administrative processes of the central government which would enable us to assess to what extent they lead to unnecessary and irksome delays and restrictions for local authorities. According to the Social Survey, 16% of members find delays, slowness and inability to get things done the biggest frustration in their local government work but to what extent this reflects dissatisfaction with the procedures of the central

³⁹ Local Government Finance—England and Wales: paragraph 6. Cmnd. 2923(1966).

government is not clear. The research report does not find an overwhelming criticism of the administrative controls exercised by the departments. On the one hand reference is made to the value of civil servants as consultants and the suggestion is made that local government officers share a closer interest with their professional colleagues in the civil service than they do with their colleagues in other professions, or with the members, in the local authorities. On the other hand the research report quotes opinions of local government officers which are highly critical of the delays caused by central administrative procedures and restrictions.⁴⁰ Generally the written evidence is critical of the central administrative controls.

295. Probably few in the central government would subscribe to the view of J. S. Mill that 'local representatives and their officers are almost certain to be of a much lower grade of intelligence and knowledge than Parliament and the national executive'. If the nature of central government controls is such as to suggest that local authorities are not competent to devise their own administrative machinery and methods it is hardly likely that people of calibre, either officers or members, will regard local government service as attractive. Further, the tendency for departments to assume responsibility for the administrative control of local authorities becomes self-perpetuating and can only add to the burden of the departments and itself contribute to further delays and vexations. 'The continuous increase in the powers of Whitehall is . . . likely to reduce the quality and efficiency both of the central administration taken as a whole and of parliamentary control'.⁴¹ In addition 'over a wide range of services it can be shown that the greater flexibility and the opportunity for experiment give the system of local government important administrative advantages'.⁴² . . . 'One of the great merits of local government is that it enables the tasks of public administration to be spread more evenly throughout the nation'.⁴³

296. There is another factor to be taken into account. We point out in paragraph 259 that local authorities do not deal with a single department of state. Unlike such statutory bodies as the Coal Board, which are responsible each to a specific government department, local authorities have relationships with a large number of them. For example, the Home Office, the Ministry of Health, the Department of Education and Science and the Ministry of Housing and Local Government are all concerned with local authorities' welfare activities. This fragmentation in relationships with Whitehall contributes to the fragmentation of administration within local authorities. In Chapter 3 we lay stress on the lack of unity in the present internal organisation of local authorities and recommend a co-ordinated approach through a management board on the members' side and a Clerk with more closely defined duties on the officers' side. This type of organisation would be more easily established if there were greater cohesion in the organisation of central government in its relationships with local authorities.

⁴⁰ Volume 5, Chapter 18. Central and local government relations: paragraph 3.

⁴¹ D. N. Chester: 'Central and local government': page 328.

⁴² D. N. Chester: *op.cit.*: page 331.

⁴³ W. A. Robson: *Local Government in the Welfare State*. The Political Quarterly, April-June, 1966: page 123.

297. Our conclusions are that:—

- (a) Administrative control of local authorities by the central government is a consequence of:—
 - (i) the statutory and political responsibilities of ministers;
 - (ii) the need for central control of the national economy and for the laying down of national policies;
 - (iii) the financial dependence of local authorities on the central government;
 - (iv) the prescription of minimum standards for services to be applied throughout the country;
 - (v) the weaknesses of some local authorities which may involve instructions and restrictions applicable to all, irrespective of their capacities.
- (b) Although national policies, the control of investment and of national resources and the need in some cases to secure minimum standards are the central government's responsibilities, administrative controls could be substantially diminished by recognition that local authorities are competent to make their own administrative arrangements and to be responsible for them.
- (c) Any reorganisation of the structure of local government resulting in 'financially strong authorities' the need for which the government has recognised should be accompanied by a recognition that local authorities are competent to observe minimum standards without the need for detailed controls to secure them.

298. Moreover, many central government departments have dealings with local authorities; their approach is uncoordinated. This contributes to the fragmentation of administration within a local authority and militates against the co-ordinated and integrated management organisation we advocate in Chapter 3. Whilst recognising the difficulties, we consider that the best interests of local government require much closer co-ordination of the departments of the central government concerned with local government than is at present the case. We accordingly recommend that the Government should consider setting up an enquiry in the hope that it may be found possible to appoint a single minister who would be responsible for co-ordinating the policy of the central government in so far as it bears on the functions of local authorities.

299. The freedoms we advocate for local authorities, together with increased financial autonomy and more powerful local authority units, would, we believe, do much to attract people of calibre to the service of local authorities as members and as officers, and would revive interest in local government as an organ of public administration.

A CENTRAL ORGANISATION FOR LOCAL GOVERNMENT

300. Just as there is no single overall attitude or policy of the central government towards local authorities, local government is not itself an identifiable institution; it is a concept, a collective noun for some 1,400 local authorities of four main types with each type protected by its own Association. Each of these four local authority Associations has as its object the protection of the interests, rights and privileges of its constituent members.

301. Despite this lack of homogeneity, there are a number of examples of arrangements and organisations which have been established by local authorities for their mutual benefit:—

- (a) The Local Authorities' Conditions of Service Advisory Board has 19 members appointed by the Associations, the Greater London Council (GLC) and other bodies. It has the following terms of reference:—

'to co-ordinate the activities of the employers' side of local government wage negotiating organisations, to provide a joint secretariat for these bodies, to maintain liaison with other employers and to obtain and disseminate information on service conditions'.

- (b) There are 14 negotiating bodies, of which perhaps the most important is the National Joint Council for Administrative, Professional, Technical and Clerical staff (NJC), which are cemented together by the Local Authorities' Conditions of Service Advisory Board. NJC has the following among its objectives:—

'to consider the entry into and training for the administrative, technical and clerical services and co-operation with the education authorities in arranging education facilities therefor'.

Of the 32 members of the employers' side of the Board of NJC, 16 are representatives of the local authority Associations.

- (c) The Local Government Examinations Board (LGEB) was set up by NJC in 1946, and among its functions are:—

'to devise and manage promotion examinations for clerical and administrative staff in the service'.

'to advise the National Council on the qualifications to be recognised for appointment and promotion and to keep under review examinations relevant to the local government service'.

'to advise the National Council upon the arrangements to be made for recruitment to the local government service'.

'to advise the National Council on the post entry training facilities for officers within the Council's purview'.

Ten of the 24 seats on the LGEB are held by representatives of the local authority Associations.

- (d) The Local Government Information Office was recently set up by the four local authority Associations in order to help in the presentation and creation of a better understanding of local government.
- (e) The four local authority Associations with the GLC and the London Boroughs Committee set up in 1965 the Local Government Computer Committee.
- (f) The Local Government Work Study Group was formed in 1962/63 by the National Joint Council for Local Authorities' Services (Manual Workers).
- (g) The Local Authorities' Mutual Investment Trust (LAMIT) was instituted in 1961 as a means of collective investment for local authorities' pension funds and is operated on unit trust principles. This Trust is wholly controlled by persons appointed by the Associations.

- (h) The Central Council for Health Education is wholly financed by the local authorities and its purpose is to provide joint services for health education through the issue of journals, posters and propaganda material, conferences and training seminars for health staff.
- (i) The Local Authorities' Joint Admissions Committee the purpose of which is to provide a pooling scheme to select candidates for a limited number of places at the Administrative Staff College at Henley.
- (j) The four local authority Associations in conjunction with the University of Birmingham have made arrangements for management training courses at the Institute of Local Government Studies.
- (k) Local authorities have set up building consortia to develop new construction techniques and to achieve economies by the use of standard components.
- (l) The four local authority Associations together requested the setting up of the Committees on Management and Staffing in Local Government and are financing a considerable element of the work of the two Committees.

302. The Local Government Computer Committee, the Information Office and LAMIT provide perhaps the best examples of the local authorities through their Associations realising the need for a common service and creating a joint organisation to meet the needs. NJC however was in effect the creature of the Provincial Whitley Councils; and the Conditions of Service Advisory Board a coming together of the employers' side.

303. It will be seen from the terms of reference of the various staffing organisations that their functions go beyond the question of negotiations for pay and conditions of service. But the extent to which they play a positive role beyond negotiations is limited. Further the LGEB's activities are virtually confined to the clerical and administrative examinations.

304. The Committee on Staffing recommends⁴⁴ the setting up of a central staffing organisation to do the following things:—

- (a) To carry out national surveys and periodic reviews of the staffing requirements of local government, maintain liaison with professional associations, with the universities and with the technical colleges and in particular to maintain contact with the central government, whose policies directly affect local government needs.
- (b) To maintain an overall surveillance of local government staff training needs and of the facilities which should be developed to meet them and for interpreting these needs to those largely responsible for meeting them.
- (c) To conduct national campaigns to attract people to careers in local government and to supplement the advertisement of individual local authorities.

305. LGEB has recently produced proposals for the financing of training of local government staff by the establishment of a Training Board which would spread the cost of a comprehensive system of training levies and grants on the lines laid

⁴⁴ The Report of the Committee on Staffing: paragraph 419.

down in the Industrial Training Act. The Committee on Staffing endorses these proposals.⁴⁵

306. We have noted that the professional associations do much valuable work on specialised statistics and information at the officers' expense. Professor Griffith points out that 'the systematic collection of information and of statistics about the ways in which, and the extent to which, local authorities carry out their functions, the analysis of what is collected, and the dissemination of this centrally acquired knowledge seem to be one of the most uneven and least professional aspects of the machinery of government'.⁴⁶ We would certainly not wish to see the valuable work of the professional bodies in any way curtailed but in our view there is much to be said for local government itself being a repository and a clearing house for statistical and professional information in order to assist local authorities in their work. Even if the collection, analysis and dissemination of information by the central government on the way in which and the extent to which local authorities carry out their functions left nothing to be desired, it would be unfortunate if local government was content that this accumulation of knowledge should rest with the departments of government. In our view local government should itself collect, analyse and disseminate its own information using the resources of the professional associations and academic institutions to the best advantage.

307. Much research work is being conducted in, or by, universities and colleges into various aspects of local government services and their organisation. Central government is also active. For example, the Department of Education and Science has a research consultant and the Minister of Housing and Local Government has announced the establishment of a centre for environmental studies. The Department of Economic Affairs has encouraged the economic planning councils to initiate research and to formulate research programmes involving the universities. RIPA has done valuable work in sponsoring research of which Professor Griffith's recent study is a notable example. None of these initiatives should be stifled and, indeed, the developing interest in local government affairs in the universities should be encouraged. But there is a danger that research into local authority matters will be unco-ordinated and that enquiries which local authorities themselves would like to see pursued will be ignored. The local authority Associations should therefore find a means of bringing together their members so that local government participation in research projects is comprehensively considered and action initiated on topics which authorities would like to see examined.

308. The Committee on Staffing draws attention to the recent decision of the Association of Municipal Corporations (AMC) to set up a Management Techniques Group to consider the formulation of proposals for the wider use of management techniques throughout local government. That Committee also says that the RIPA, the Local Government Work Study Group and the Local Government Computer Committee (with the IMTA) have intelligence, information and co-ordinating functions which to some extent overlap.⁴⁷ We support

⁴⁵ *Ibid.*: paragraph 401.

⁴⁶ J. A. G. Griffith: *op.cit.*: page 558.

⁴⁷ The Report of the Committee on Staffing: paragraph 313.

the Committee on Staffing in their endorsement of the view of the AMC Management Techniques Group that there must be more effective co-ordination of effort in relation to the management services if local authorities are to gain full benefit from the future development of these services.

309. In the past much emphasis has been placed on the lack of co-operation between the local authority Associations because of the fundamental clash of interests between the county and district authorities over the apportionment of functions and between the county borough and county councils over the areas administered. We are aware that recently there has been a significant advance in the joint endeavours of the Associations in the fields of research and the development of management services in particular. We are aware that the Associations undertake a great deal of joint action particularly in advising government departments; Professor Griffith has written that it is difficult to exaggerate the importance of the Associations in influencing legislation, governmental policies and administration and in acting as co-ordinators and channels of local authority opinion.⁴⁸ While four types of local authority exist, they will band together to protect their interests. External threat is the unifier. But their separateness does not lend itself easily to vigorous action in the interests of local government as a whole. Separately the four local authority Associations do not present a single focal point for local government whereas together they could present an identifiable institution of great national importance.

310. *Written evidence.* The question of central institutions for local government is raised in few submissions to the Committee. The Council for Training in Social Work considers it important that there should be some central machinery in being to keep under constant review the problems before the Committees on Management and Staffing. It recommends the establishment of a body with representatives from all the central government departments concerned and from the local authority Associations; it should have its own staff and be independent of government control though financed by public funds. In addition to keeping current problems under review, the central body would be free to make forecasts of likely trends and demands. One witness stresses the need to establish a central intelligence unit for local government which will collect and collate information and make it available to members and officers of individual authorities; the witness refers to the magnitude of local authorities' spending and the calls they make on the national labour force; even small inefficiencies involve large sums of wasted money and of resources. He considers that information is not adequately disseminated through the traditional channels such as the officers' professional associations. It is for this reason that he advocates the establishment of an intelligence unit as an essential instrument in ensuring that the two aims of efficiency and democratic control can be met; he feels that at least a percentage of decisions will then be taken with better information.

311. We recommend that:—

- (a) The local authority Associations should set up a central local government institution to be called, perhaps, the Local Government Central Office, which would bring together such central institutions as already exist.⁴⁹

⁴⁸ J. A. G. Griffith: *op.cit.*; page 33.

⁴⁹ For example, the Local Government Information Office on which we make a recommendation in Chapter 5, paragraph 470.

- (b) The cost of the proposed organisation, from which all local authorities will benefit, should be shared between them.
- (c) The Local Government Central Office should also include sections to:—
 - (i) review in collaboration with the central government the powers of local authorities and the administrative controls exerted by the departments;
 - (ii) carry out or promote research, and gather intelligence and statistics, relating to the range of services which local government provides, the internal organisation of local authorities and the development of management services;
 - (iii) operate the central staffing organisation (as proposed by the Committee on Staffing) together with the Training Board (as recommended by LGEB);
 - (iv) provide a source of information for members so that they can keep abreast of developments.

312. But we are concerned that while the structure of local government remains as it is the Local Government Central Office should manifestly represent the views of local authorities and embody machinery whereby local authorities can influence what it says and does; the close contacts which the local authority Associations have with the local authorities themselves should not be lost. The Central Office should not stifle the initiative and valuable work done by other agencies, but rather seek to co-ordinate this work and make the best use of it.

313. This Office, we suggest, would:—

- (a) Bring together the various local government institutions which already exist together with those which may be thought necessary and provide an identifiable and intelligible institution for local government of national strength and importance.
- (b) Be the centre for influence on, and consultation with, government departments.
- (c) Be a source of information and advice for local authorities, their members and officers and be a source of ideas and of intelligence to help local authorities in their work.
- (d) Foster a closer relationship between central and local government and, by mutual understanding, lessen the need for guidance and advice from the centre except where this is made necessary by changes in policy or new developments.

SUMMARY OF RECOMMENDATIONS

- (39) Local authorities should be given a general competence to do (in addition to what legislation already requires or permits them to do) whatever in their opinion is in the interests of their areas or their inhabitants, subject to their not encroaching on the duties of other governmental bodies and to appropriate safeguards for the protection of public and private interests (paragraph 286).
- (40) The Government, in consultation with the local authority Associations, should examine existing legislation to see what provisions might be repealed with a view to leaving local authorities the maximum freedom in organising their affairs and carrying out their work (paragraph 287).

- (41) The Government, in consultation with the local authority Associations, should introduce legislation to provide a procedure for local government measures similar to that for Measures of the Church Assembly (paragraph 289).
- (42) The district auditor's power of surcharge should be abolished (paragraph 290).
- (43) The Government should consider setting up an enquiry in the hope that it may be found possible to appoint a single minister who would be responsible for co-ordinating the policy of the central government in so far as it bears on the functions of local authorities (paragraph 298).
- (44) The local authority Associations should set up a central local government institution to be called, perhaps, the Local Government Central Office, which would bring together such central institutions as already exist (paragraph 311(a)).
- (45) The cost of the proposed organisation, from which all local authorities will benefit, should be shared between them (paragraph 311(b)).
- (46) The Local Government Central Office should also include sections to:—
 - (i) review in collaboration with the central government the powers of local authorities and the administrative controls exerted by the departments;
 - (ii) carry out or promote research, and gather intelligence and statistics, relating to the range of services which local government provides, the internal organisation of local authorities and the development of management services;
 - (iii) operate the central staffing organisation (as proposed by the Committee on Staffing) together with the Training Board (as recommended by LGEB);
 - (iv) provide a source of information for members so that they can keep abreast of developments (paragraph 311(c)).

CHAPTER 5

The Public and Local Authorities

VALUE OF ELECTED LOCAL AUTHORITIES

314. The importance of local government lies in the involvement in local public affairs not only of those who are elected but also, indirectly, of the community at large who elect them and to whom they are ultimately accountable.

315. In the previous chapter we show something of the tendency for power and authority to gather at the centre, and describe how, with the growth of central government's involvement in all aspects of society, local government's independence of action has been reduced despite the growth in its work. The concentration of power at the centre produces amongst many a passive acceptance of what is provided by authority and uninformed complaint when personal interests are touched. For the health of government, whether central or local, there is a need for criticism and an understanding of public affairs; and the election of local councils at least makes this possible. 'The real strength of local government lies in the relationship between the local authority and the local public and this means a personal relationship, a state of affairs in which the public feel that the local authority and the local public service belong to them'.¹

ATTITUDES TOWARDS LOCAL GOVERNMENT

316. The National and Local Government Officers Association (NALGO) in their written evidence referred to the popular 'image' of local government as an institution that is 'complex, obscure, pettifogging, and dull. Many electors do not trouble to vote, few know even the names of, and still less have any contact with their elected representatives. Most take the services of the local authority for granted, see no connection between themselves and the running of their towns and cities, regard rates as a burden rather than a bargain, and confine their interest to demands for "economy" which, when based on ignorance, may prejudice the development of valuable services'. A Fabian Society Tract² refers to local government's low status in the eyes of the public; the Tract comments that 'even to the most favourably disposed observer local government seems to be an inexplicable morass of areas, powers and committees, and the illogical and nonetheless human desire for a system that can at least be grasped leads to impatience and irritation with the whole idea of local government'. In the context of the Government's proposals for regional economic planning, 'The Times' said in November, 1964³ that local government was a legacy of a nineteenth-century interest in democratic forms and that it was beginning to look as if 'confidence in it (local government) and practice of it may prove to be a passing phase in British political evolution'.

317. Volume 3 containing the Report of the Government Social Survey on electors deals with the public's attitude towards local government and local

¹ Report of address by Sir Harold Banwell to Rural District Councils Association Conference 1965; Rural District Review, August 1965.

² L. J. Sharpe, 'Why Local Democracy?' Fabian Tract 361.

³ 'Exit the Town Hall' 10 November 1964.

affairs generally, the extent of the general public's knowledge of local government, their attitude towards the local council and with their willingness or otherwise to participate more fully in local affairs. Apparently over a quarter of the Social Survey's informants are unable to name any local authority service provided by their borough or district council, and nearly half those living in county council areas show a similar lack of knowledge about their county council.⁴ Most people know where their council offices are, though those living in rural areas are less likely to know.⁵ Over two-thirds say that they have not heard of anything which their council has done during the month prior to the interview⁶ and over three-quarters of those interviewed say that they were not taught anything about local government at school or at college.⁷ Generally people in the metropolitan boroughs and the rural districts are less knowledgeable about local government than those in areas served by other types of authority.

318. Less than a fifth of the people interviewed say that they have ever been in touch with a local councillor for help or advice.⁸ Few say that they have ever been to a council meeting and of those living in a county council area only 1% say that they have ever been to a county council meeting.⁹

319. A little over a quarter say that they think that the local council, and just under a quarter think that the county council, run things very well. But one-fifth of those living in county council areas are unable to express an opinion.¹⁰ Nearly a quarter of the Survey's informants suggest that they have a feeling of 'alienation' from the local authority in the sense that the members do not care about the electorate or are not known to it, or that the electorate is not told enough about what is going on.¹¹

320. Over half the Social Survey's informants, particularly the younger ones, say that they would like to know more about their local councils even though it is the older people who, on the whole, have least knowledge of their local councils.¹² This should be contrasted with the view of the members themselves. Most of them say that in their view the public do not know enough to make good use of existing council services or to get a balanced picture of the way the council conducts its affairs. Nearly half the members think that the public do not know enough to vote in an informed way at local elections.¹³ Over half the members think that the public are not interested in local government.¹⁴ About one-fifth of the sample of the electorate say that they deliberately abstain from voting at the main local elections because they are not interested, cannot be bothered or never vote.¹⁵

⁴ Volume 3. The local government elector. Table 3.

⁵ *Ibid.* Table 19.

⁶ *Ibid.* Table 32.

⁷ *Ibid.* Chapter I, page 34.

⁸ *Ibid.* Table 72.

⁹ *Ibid.* Chapter II, page 57.

¹⁰ *Ibid.* Table 91.

¹¹ *Ibid.* Table 99.

¹² *Ibid.* Chapter I, page 38 and Table 51.

¹³ Volume 2. The local government councillor. Table 8.13.

¹⁴ *Ibid.* Table 8.15.

¹⁵ Volume 3. The local government elector. Table 112.

321. *Turn out for the polls and uncontested seats.* The degree to which local authority elections are contested and the proportion of the electorate which votes are measures of the public's interest. The tables below show the average percentage of the electorate in various types of authority who have voted, and the percentages of seats which have not been contested, since 1945.

Table 5/1

Average percentage polls at local government elections by types of authority¹⁶

Year	County councils	County borough councils	Non-county borough and urban district councils	Rural district councils
1945	30.1	45.6	46.4	47.9
1948	42.5	52.2	47.0	51.6
1952	43.2	49.9	50.9	52.0
1955	36.5	43.8	45.0	48.2
1958	33.3	40.3	42.9	46.2
1961	35.7	40.6	42.3	45.0
1964	41.0	40.5	42.0	45.1

Table 5/2

Percentage of uncontested seats at local government elections¹⁶

Year	County councils	County borough councils	Non-county borough and urban district councils	Rural district councils
1945	43.5	7.8	7.3	59.2
1948	52.1	7.7	19.2	66.5
1952	55.3	12.4	25.4	67.2
1955	60.7	18.5	31.5	72.7
1958	60.9	18.6	32.1	75.2
1961	61.2	12.8	28.5	73.9
1964	55.6	8.8	19.7	69.9

In all types of authority the turn out for the polls fluctuates but is generally low. The percentage of uncontested seats in county council and rural district council elections is high though, when seats are contested, the turn out for the polls is not markedly different from that in other types of authority. In 1961 in 179 second-tier authorities all candidates were returned unopposed. The Social Survey finds that over a third of the members of county councils, and over half the members of rural district councils, do not have to contest their first elections.¹⁷ The research report finds that about one in three of county councillors and one in two of rural district councillors have never had to fight an election.¹⁸

¹⁶ Registrar General: Statistical Review: part II, Table V.

¹⁷ Volume 2, The local government councillor. Table 1.32.

¹⁸ Volume 5, Chapter 3. The council members: paragraph 117.

322. The proportion of electors voting at local authority elections in England and Wales is very much smaller than in other countries. Dr. Marshall's enquiries show that the average poll in local authority elections in West Germany is 70% in Sweden it is about 80% and in Eire about 55%. In the Netherlands, where electors are required by law to report to the polling booths, 90-95% of the electorate vote.

323. Perhaps there is no particular reason why the electorate should be expected to have an understanding of the procedures of their local authorities. There is no particular value in knowing the names of the chairman of the council or the mayor or whether the Clerk is elected or not, or what services a particular type of authority provides. It is of no particular significance that the public do not throng the public galleries of the councils; at any rate this does not seem to be peculiar to this country but is also the general experience of local authorities abroad. Local authorities provide a wide range of services to the community and relatively few people need to make contact with their local authorities unless things go wrong. The lack of interest in the work of local authorities may well suggest that the public are satisfied with the services which the local authorities provide. The Social Survey's findings in fact do not show that there is any high degree of dissatisfaction with the services or with the way in which local authorities are run.¹⁹

324. Despite the apparently extreme democratic forms which characterise local government in this country (e.g. the large councils, the two tier system of local authorities, the present administration by committees and the high degree of participation in the daily affairs of the authority by members) there is, undoubtedly, ignorance of the work of local government and apathy towards it. Authorities fail to 'communicate' themselves to the public; local authorities have democratic procedures to enable them to be responsive to the public and to stimulate the public's interest but these procedures appear to be in excess of what the majority of people need or want from local government as it now exists. It is a matter for concern that there should be an indefinable gulf between local authorities and the communities which they serve. On the one hand there is a failure on the part of local government to stimulate the interest of the community and on the other a lack of public awareness of the importance of the work of local government in providing for the public's needs now and in the future.

LOCAL DEMOCRACY

325. In Chapter 3 we show how deeply involved members are in the administration of an authority's services and functions; we contrast the practice in this country with those of local authorities in those countries which we have examined. It can be argued that if the generality of members are concerned with the formulation of policy, the direction of the services and functions and with the details of their administration local government in this country is particularly democratic. We believe however that it is a misinterpretation of democracy to suppose that it is achieved by the representatives of the people being involved in the minutiae of administration or that it is weakened by providing for concentration of leadership in a small managing body.

¹⁹ Volume 3. The local government elector. Table 92.

326. Local authorities abroad tend to have a closer association with the public even though they concentrate responsibilities in a managing body and give wider discretion to officers. In Sweden co-opted members play an important part and in some committees are in a majority.²⁰ In America certain matters must be approved by a referendum of the electorate and other matters may be initiated by the electorate by a procedure especially designed for this purpose. The report on local government in the United States refers to the practically universal habit of official and formal consultation with associations, experts, research institutes or groups of persons with specialised knowledge.²¹ It should not be assumed that the present internal organisation of local authorities in this country and their procedures necessarily make them more democratic or more responsive to the needs of the public than authorities abroad.

The vote

327. Any person may vote at a local authority election who is on the register, a British subject over the age of 21, and who is either resident in the electoral area or who occupies in the area, as owner or tenant, any rateable land or premises of an annual value of not less than £10. There are the usual disabilities in respect of unsoundness of mind, imprisonment, or conviction of corrupt practices at elections. We have received no evidence on the adequacy or otherwise of the franchise and have no comments to make upon it.

328. In paragraph 321 we set out figures showing the turn out for the polls. According to the Registrar General's figures 42% of the electorate voted in May 1964 in the boroughs and urban districts and 41% in those counties where there were contested elections. The Social Survey finds that a substantially higher proportion of the electorate claim to have voted than actually go to the polls. Thus although the electorate has available to it local democratic machinery, less than half take advantage of it. Although the Social Survey finds instances in which members of the public claim that they are not aware that elections are taking place,²² we have received no evidence which criticises the way elections are conducted, nor have we any reason to believe that the machinery does not provide adequate facilities for the secret democratic vote.

The size of councils

329. There are wide variations in the relationship between the population of an authority and the size of the council²³ as the following examples show:²⁴

(a) <i>County councils</i>		Population divided by number of members	
Lancashire	14,107	
Staffordshire	9,990	
Durham	8,124	
Breconshire	756	
Radnor	434	

²⁰ Volume 4. Local government administration in Sweden: paragraph 56.

²¹ Volume 4. Local government administration in Canada and the United States of America: paragraph 88.

²² Volume 3. The local government elector. Table 112.

²³ Size of council includes aldermen in the case of county, county borough and non-county borough councils.

²⁴ From information in the Municipal Year Book 1967.

(b) County borough councils

Sheffield	4,890
Nottingham	4,573
Bath	1,478
Canterbury	1,357

(c) Non-county borough councils

Poole	2,390
New Romney	218
Montgomery	123

(d) Rural district councils

Chesterfield	2,435
Masham (Yorks.) ..	146

(e) Urban district councils

Basildon	3,706
Saxmundham	102

330. The tendency has been to increase the size of councils and these changes have been sought either because of population increases or, very occasionally, because the committee system has imposed a heavy burden on the existing number of councillors. On 2 October 1962, the Ministry of Housing and Local Government, in a circular letter²⁵ on the duty of county councils to review the organisation of county districts and rural parishes, emphasises the importance of size. The Ministry says that 'careful thought needs to be given to the size of councils. Generally speaking, too large a membership makes it difficult for a council to conduct its business in an efficient, businesslike manner, and for the individual councillor to play a worthwhile part. The aim should be to have the smallest bodies compatible with a reasonable level of representation. Where areas are amalgamated, it should generally follow that membership of the new council will be appreciably smaller than the aggregate membership of the councils which it replaces'. Councils are larger in England and Wales than those of local authorities in the other countries we have examined. In Sweden or Eire a council of 25 would be regarded as of considerable size; in the United States a membership of 15 would be a large council. German councils are larger than those in Sweden or the Netherlands but smaller than in this country; membership may rise to 80 in cities governed on the Magistrat pattern but to 50 or 60 elsewhere. Usually in West Germany the membership is 45 or less.

331. Although the Social Survey draws attention to the lack of contact between the member and the elector, and to the elector's sense of 'alienation' from his authority, we do not believe that the remedy lies in increasing the number of members on a council in relation to the electorate. It would be foolish to prescribe a uniform ratio of members to electorate or population for any local authority area in view of variation in population density, nor is it practicable to define 'reasonable level of representation'. A closer contact between the members and the public would be more readily obtained by reducing the demands

²⁵ Ministry Circular No. 35/62, Annex, paragraph 22.

on the time of the member in committee work, and so freeing him for his constituency activities, than by increasing the number of members in any authority.

332. The functions of the committees of a council which we recommend in Chapter 3, paragraph 166, will make less demand on the time of members, and, in any case, we propose that a committee should not have more than 15 members. The size of a council should not be dictated by the need to have enough members to 'man-up' committees, but it should be large enough for effective debate. We recommend that, as part of any re-organisation of the structure of local government, councils should not have more than 75 members and that this should be regarded as the maximum figure for the largest authorities.

Electoral reform

333. Although we received no evidence which criticised the way elections are conducted, some witnesses propose that the method of election should be reformed. The Electoral Reform Society considers that existing methods of electing councils give undue weight to party considerations, discourage independents, exclude members of minority groups and give no assurance of re-election on account of distinguished service. The Society therefore suggests that the single transferable vote system applicable to the election of three or more councillors together should be introduced. This, they claim, will give the voter a wider choice of personalities as well as of parties, give each party, including minority parties, its fair share of seats, make the voters instead of the party's voice decisive in the election or defeat of any given person, and prevent sweeping changes caused by only a small movement of public opinion. The Society asserts that experience of the operation of the single transferable vote system both in this country and abroad confirms that these effects will be produced. An article published in 1965²⁶ says that the 'criticism of the present system lies in the way in which we choose our councillors. The process often distorts and limits choice and sometimes gives an air of legitimacy to the government of our localities by minority interests'. The article advocates experiments in the single transferable vote system in local government elections; constituencies will need to be multi-member ones, the elector being presented with a list of candidates and placing them in order of preference. Reverting to the present system one witness considers that if a minimum percentage poll is not reached (say 20%) an election should be declared null and void.

334. The practice in this country, whereby the candidate with the greatest number of votes is elected, is not found in those countries in Europe whose local government practices we have studied. Sweden operates a form of proportional representation. In the Netherlands, councils are elected by party on a single list for the whole area; votes are for parties and the parties are allocated seats in proportion to the votes cast. In West Germany election is by proportional representation on party lists. In Eire the single transferable vote system is operated.

335. We believe that a change, from the principle that the candidate with the greatest number of votes is elected, to a system of proportional representation

²⁶ Eric A. Rowe: 'Electoral reform in local government'. 'Municipal Journal', 16 July 1965.

or single transferable vote cannot be considered for local government alone. Moreover, proportional representation would tend to increase the number of parties seeking election and we do not favour a development which provides for the elector to vote for a party rather than a candidate and which leaves the party to select the member.

336. Under present arrangements, boroughs are divided into wards for election purposes and three councillors' seats are normally allocated to each ward one of which becomes vacant each year in rotation in order to provide for the annual retirement of one-third of the councillors. Later in this chapter we recommend that the system of retirement of one-third of the councillors should be set aside in favour of retirement of the whole council every third year. We recommend that electoral wards should each have a single seat.

Aldermen

337. The members of a local authority are, in the main, elected by the general public of the areas of the authority. No member is appointed by the central government nor is the election of any member subject to the vote or approval of the central government. But the simple democratic principle of direct election is set aside in the indirect election of aldermen in county and borough councils, and in the nomination of 'additional members'.

338. *Legal background.* The aldermanic system was first introduced by the Municipal Corporations Act 1835, as a concession to the Conservative fears that a council, wholly composed of persons directly elected for such a short time as three years, would prove too unstable a body for the proper conduct of important work often demanding the prosecution of a consistent policy through a considerable period of time. The principle was continued in the Municipal Corporations Act 1882. The Local Government Act 1888 created county councils and modelled their organisation closely on that of councils of boroughs under the 1882 Act. The aldermanic system therefore found its way into the county organisation but not into that of districts set up under the Local Government Act of 1894. The aldermanic system in county and borough councils remained under the consolidating Act of 1933.

339. The statutory provisions for county and for borough councils are the same. Aldermen are elected by the council from among the councillors or persons qualified to be councillors.²⁷ The number of aldermen is one-third of the whole number of councillors²⁸ except in the London boroughs where it is one-sixth. They hold office for six years, with half their number retiring every third year.²⁹ If a councillor is elected as alderman, his office of councillor becomes vacant.³⁰

340. Thus within a county, or borough, council one-quarter of the members are indirectly elected and these indirectly-elected members, the aldermen, need not have been councillors, nor need they have been candidates for election as councillors. The aldermen do not constitute a separate chamber, or a council of review; they are part of the whole.

²⁷ 1933 Act: sections 6(1) and 21(1).

²⁸ *Ibid*: sections 6(2) and 21(2).

²⁹ *Ibid*: sections 6(4) and 21(4).

³⁰ *Ibid*: sections 6(3) and 21(3).

341. *Written evidence.* Broadly there are three attitudes towards the system: that it should be—

- (a) retained;
- (b) retained but reformed;
- (c) abolished.

342. The number of uncritical retentionists who accept the present system without reform is small. Nine Societies of County Chief Officers³¹ emphasise that the system provides a measure of continuity when there is otherwise a large change in membership in an election for councillors; a valued member can be retained and occasionally an outstanding person can be brought in from outside. One witness considers that the system provides impartiality and continuity though he favours its abolition if it is used as an instrument of party politics. London County Council³² says that aldermen play a full part in the work of the council and that they have no special privileges. With two exceptions (when a working majority was required) aldermanic places are allotted in proportion to the party balance amongst the councillors. London County Council thinks that the system provides a valuable opportunity to secure the services of people with special knowledge and experience and that election of aldermen on any other basis detracts from the usefulness of the constitutional provision. Another witness believes that aldermen should be retained and favours paying a salary to them; in his view the aldermanic system may need some modification in these circumstances but the payment of members who are not directly elected is not in itself undesirable.

343. The greater part of the evidence advocates reform of the system. The various reforms proposed can be summarised as follows:

- (a) there should be a compulsory retiring age. A number of witnesses advocate an age limit varying between 72 and 75;
- (b) aldermen should be elected from among councillors only;
- (c) aldermen should not be re-elected as such until re-elected as councillors;
- (d) aldermen should not have voting rights. A few witnesses propose this reform and the suggestion is also made that aldermen should be advisers and assessors only and should retain office for three years;
- (e) aldermen should be directly elected;
- (f) 'alderman' should be an honorary title. There is a view that the title of alderman should be instituted as a form of service award for councillors.

344. A substantial body of opinion favours abolition of the system for a variety of reasons. It is thought to be abused and to have fallen into disrepute; to be outmoded and undemocratic. Some witnesses deplore the use of the system for party political purposes. One view is that if co-option to committees is more widely adopted aldermen can be dispensed with and the size of councils reduced. Those who are in favour of reform or abolition are generally prompted by the view that the system has suffered at the hands of party politics. Elevation to the

³¹ A list of the Societies is given in Appendix A.

³² London County Council submitted evidence to us before the Greater London Council was formed.

aldermanic bench is seen as a reward for past services to a political party; its use for party political ends results in other and well qualified representatives being kept out of the council. A view is that arrangements for the election of aldermen are most unsatisfactory and contribute to the poor public image of local government. One witness refers to the system as a 'national scandal'. Lancashire County Council, while applauding the system in so far as it ensures continuity, retention of a defeated, valuable member and the introduction of outstanding individuals, says that it can be regarded as out of date in that it catered for an age when party politics were absent from local government; if it is to be retained it should be reformed to prevent the abuses of it which party politics cause. On the other hand, one witness objects to the system which he regards as a negation of democracy when, not infrequently, people who have been defeated at the polls or who have not even been candidates get into the council as aldermen. Oxford City Council passed a resolution to the effect that the office of alderman as at present constituted should be abolished and its Parliamentary Committee came to the conclusion that the most effective step which could be taken in furtherance of the decision was to submit a memorandum to us. The major reason behind the City Council's decision is stated to be the abuse of the system for party political motives.

345. *The enquiry of Abingdon Borough Council.* In November 1964, Abingdon Borough Council took the initiative in carrying out a survey to find out what other borough councils thought of the system. In their circular they proposed that the system be abolished, or else reformed. The Council obtained 247 replies and of these 121 were against any change or made no comment. 40 were in favour of abolition, or welcomed other reforms as alternatives. 64 were in favour of retaining the office subject to some change. 22 were prepared to leave the matter to us or to the AMC to make recommendations. The Council sums up the findings of its survey by saying that there is an overwhelming majority for retaining the office of alderman, since only 26 city and borough councils are in favour of outright abolition; but that there is a strong and increasing demand for reform of the law relating to the nature, method of election and tenure of the office.

346. The Abingdon evidence shows that, whatever the law may say, local practices have grown up which reform or modify the system. These practices are:

- (a) the election of aldermen from among serving councillors only;
- (b) the allocation of aldermanic seats in proportion to the number of councillors in each political group;
- (c) the requirement that outgoing aldermen should seek re-election as councillors;
- (d) the fixing of 75 years as the age after which aldermen should not seek re-election.

347. *Examination of the issues.* The Municipal Corporations Bill, 1835, arising out of the Report of the Royal Commission of 1833 was an avowedly reforming Bill designed to establish the municipal corporation as the legal personification of a local community represented by a council elected by, acting for, and respon-

sible to, the inhabitants. It aimed to overthrow the privileged position which the corporations had built up, and proposed that the council should be elected by the equal and direct vote of the ratepayers. The Bill was opposed in the House of Lords and one of their amendments was that a fixed proportion of the council should hold office for life in the interests of stability and continuity. It was urged that a town council without life members would be an anomaly within the Constitution and that there must be a permanent and unelected element in the local as in the national Parliament. The Government accepted the principle of continuity and substituted the indirect election of alderman with a life of six years.³³ The system is a relic of the privileged position of the municipal corporations in the past; it represents a compromise between radical and conservative thought 130 years ago.

348. The Report of the Social Survey draws attention to three general characteristics of aldermen: their high average age (nearly half are over 65 years of age³⁴) their length of service³⁴ and their heavy involvement in the affairs of the authority.³⁵ The research report on the aldermanic system finds that the strongest and most widespread criticisms of the aldermanic system are related to the age of the aldermen; 'the considerable (often exclusive) weight given to length of service in their selection, the usual practice of almost automatic re-election and the reluctance of aldermen themselves to resign, contribute to ensure a high average age of aldermen in many areas'.³⁶ The written evidence is not outspoken on the age of aldermen. We have no evidence to show that the high average age of aldermen in itself is a deterrent to service in local authorities by younger men, and it can be argued that the aldermanic bench provides a convenient means of retaining the older members while leaving the ranks of councillor open to younger people.

349. The virtue claimed for the system is that it provides stability and continuity in the affairs of an authority. The stability and continuity argument is perhaps more applicable to the county Councils where there is simultaneous retirement of all councillors every third year than it is to the borough councils where there is partial renewal every year. But stability and continuity depend as much on the Clerk and the other principal officers as on the aldermanic bench; further, in both county and borough councils it would be the exception if none of the retiring councillors was returned to the council after the election. Where a party has a strong majority of long standing, or where a large number of seats is uncontested, there will in any case be continuity. Further, as the research report points out, the aldermanic seat is not always secure; the exchange of a safe seat as a councillor for a more precarious one as alderman would not supply an element of stability.³⁷ We believe that the argument that the aldermanic system provides stability and continuity in a council's affairs is not valid; further, if stability and continuity lead to stagnation and a lack of desire for innovation, they are to be deplored.

³³ See Redlich and Hirst; *The History of Local Government in England*; part II, Chapter II.

³⁴ Volume 2. The local government councillor. Table 1.46.

³⁵ *Ibid.* Table 3.5.

³⁶ Volume 5. Chapter 4. The aldermanic system: paragraph 30.

³⁷ *Ibid.* paragraph 26.

350. According to the research report there is some evidence that there is manipulation of the aldermanic system for party political ends but that it is not a general practice. In some authorities the parties have agreed that the allocation of seats on the bench should reflect the proportionate strength of the parties in the council; in others a strict seniority rule applies irrespective of party considerations. The research report points to the embitterment of relations between parties when the majority party insists on a monopoly of aldermanic seats.³⁸ Party politics are an essential ingredient of the country's democratic system, but they rest primarily on the secrecy of the ballot box and the popular vote. To use the aldermanic system to pack a local authority's council (and the extent to which it is so used is not readily ascertainable) is, in our opinion, an abuse of the system, but is one which is likely to occur in a local authority in the absence of strictly observed conventions governing the operation of the aldermanic system.

351. It is claimed by some witnesses that it is of value to have, within the council, members who are unmoved by the threats of the ballot box and who can take a long view on difficult problems without fear of losing their seats. This is, in our view, a theoretical argument. In party political councils even the aldermanic seat may be insecure. As the research report points out, the alderman may be as responsive to popular feeling as the councillor; in some party political councils, aldermen as well as councillors are subject to the party whip.³⁹ Some aldermen may be re-elected to the bench a number of times and it is questionable whether it is desirable that there should be a body of members who are insulated from public opinion and the ballot box.

352. Our conclusions are that the system has the virtue that it can, on occasion, prevent or defer the loss to an authority of able and leading members who, if the system were abolished, might not be prepared to contest an election or who might otherwise be defeated. Otherwise we see little in it to commend its retention. Indeed, there are positive reasons why it should not be retained. The system is associated with age and seniority, and in many authorities it is the aldermen with their age and seniority who chair committees and occupy seats on important committees. It can perpetuate outmoded social values by helping aged members to retain their places on committees, and can make the advancement of younger people to positions of responsibility in a local authority more difficult. As a means of achieving stability and continuity in the affairs of local authorities, there is no evidence to show that it has been successful. The system does not generally bring in able people from outside local government and it is open to abuse through party political manipulation; when it is so abused it brings discredit on local government. The election of aldermen is not a straightforward democratic process involving the electorate; if a new constitution were being devised for local authorities it is hardly likely that the system would be thought necessary. Despite the virtues claimed for the system, it has not been extended to district councils. In our view the aldermanic system has no logical justification.

353. We recommend that there should be amending legislation to abolish the aldermanic system.

³⁸ *Ibid*: paragraph 11.

³⁹ *Ibid*: paragraph 23.

Co-option

354. *Legal background.* The law does not use the word 'co-opt' or its derivatives. Committees of an authority are appointed by the council and the 'additional members' of committees, are not formally co-opted by the committees themselves; in practice, we understand, the council very often leaves this matter to committees. The word 'co-option' is widely used for the practice of appointing 'additional members' to committees and we therefore use it in this Report.

355. The law provides that a committee of a local authority (other than a finance committee) may include persons who are not members of the local authority provided that at least two-thirds of the members of every committee are members of the local authority.⁴⁰ Apart from this general permissive power to co-opt, other legislation requires, or allows for, the appointment, as members of statutory committees, of persons who are not members of the local authority. For example:—

- (a) Under the Education Act, 1944, the education committee must 'include persons of experience in education and persons acquainted with the educational conditions prevailing in the area'. This does not necessarily mean that these persons should not be members of the council.
- (b) Under the National Assistance Act, 1948, the welfare committee must include persons of special experience in welfare matters, including women.
- (c) Under the Children Act, 1948, the children's committee may include specially qualified persons even if they are not members of the local authority.
- (d) Under the Diseases of Animals Act, 1950, the committee may be wholly or partly composed of members of the local authority.
- (e) Under the Allotments Act, 1922, approximately one-third (and in any case at least two members) of the committee are to be persons not on the council, 'experienced in the management and cultivation of allotment gardens and representative of the interests of occupiers of allotment gardens in the borough or district'.

The law does not preclude co-opted members from voting in the committees. Although co-opted members sit on committees they do not sit on the council.

356. There is no consistent pattern in the use of co-option. Although in the statutory committees listed above emphasis is placed on the special knowledge of the co-opted members, only in the case of allotments committees is the appointment of outsiders mandatory. The law does not preclude co-opted members from sitting on sub-committees, nor is there any restriction on the proportion of co-opted members who may sit on sub-committees.

357. *Written evidence.* Generally the evidence favours the use of co-opted members. The practice is seen as a means of recruiting politically disinterested people unwilling to enter local government if they can do so only with the support of a political party, and as a means of providing expert specialist advice.

⁴⁰ 1933 Act: section 85(3).

Some witnesses criticise the practice of nominating additional members on the basis of party allegiance. One view is that the system of co-option provides a training ground for new councillors. The London County Council thinks the system provides opportunity to encourage people, including the young, in the Council's work; they draw a distinction between 'additional members' and 'associated or advisory members' and point to the arts where the services of the latter have been most valuable. The view of the Lancashire County Council is in marked contrast with those of other witnesses; the County Council sees co-opted members as lacking the sense of responsibility which automatically attaches to elected members. The Council feels that the argument that co-opted members are of value because of their specialist knowledge is not valid as authorities employ expert advisers.

358. *The extent to which co-option is practised.* In a note prepared for us on the committee system, it is said that 'the power to co-opt has never been welcomed with much enthusiasm by the great majority of local authorities'.⁴¹ The research report examines this matter in some detail.⁴² Although the power to co-opt is generally permissive, it is clear that the power is generally used though to a varying extent. There is no indication that local authorities avoid co-option whenever they can. But the figures in the research report cannot be used to show to what extent there is enthusiasm for the system. The research report finds that nearly two-thirds of co-opted members in the sample of local authorities represent bodies or groups, and that the remainder are appointed in a personal capacity; these two categories are imprecise and conceal a great variety of practice. The authors of the research report are led to the view that party political considerations are generally taken into account in co-opting additional members in party politically controlled councils. The research report also refers to three assumptions which are sometimes made about co-option:—

- (a) that it is used as a method of finding places for persons who, although former councillors, have lost their seats at the polls;
- (b) that it is used as a method of finding seats for persons who have unsuccessfully contested elections;
- (c) that co-opted members are often close relations of elected members.

The proportion of co-opted members for whom any of these assumptions is valid is small and amounts to 2% or 3% in each case. None of these assumptions is made in written evidence submitted to us.

359. In Sweden, co-option to committees is much more widely practised than in England and Wales. The vast majority of co-opted members are selected by the political parties at large and not by the party political group in the council. Not only do co-opted members have the right to vote but they may form a majority in the committee.⁴³ The study of practice in the United States draws attention to the official and formal consultation with associations, experts and research institutions, or groups of persons with specialised knowledge.⁴⁴

⁴¹ Volume 5, Appendix B, The committee system: paragraph 11.

⁴² Volume 5, Chapter 3, The council members: paragraphs 180-216.

⁴³ Volume 4, Local government administration in Sweden: paragraph 56.

⁴⁴ Volume 4, Local government administration in Canada and the United States of America: paragraph 88.

360. *The purposes and value of co-option.* The law does not say specifically what the purposes of co-option are. There is a clear inference that in the case of the statutory committees it is the intention that each committee should include persons who are particularly knowledgeable or experienced and can thus make a valuable contribution to its work. In the case of allotments committees, there is a clear indication that the co-opted members should represent a particular interest.

361. For committees to have specialist or knowledgeable members is of value. We do not accept the argument of Lancashire County Council that because local authorities employ expert professional officers they have no need for co-opted members who have special knowledge. The research report refers to the importance of promoting a flow of information between tiers of (local) government and of promoting mutual understanding.⁴⁵ If, as a result of local government reorganisation, fewer and generally larger authorities are set up, it might be necessary for them to have district committees, and co-option of members of district committees could well be of value.

362. The Social Survey finds that the feelings of members on co-option are mixed. One-third are opposed to it and over half feel that it is undemocratic in that the persons appointed have not been chosen by the electorate.⁴⁶ It does not surprise us that members who have been elected after contesting elections should be suspicious of co-opted members who exercise similar powers to themselves in the committees and who have come into the committees by 'the easy way'. The research report detects an undercurrent of feeling against co-opted members because they are thought of as holding privileges and exercising powers which they have not earned through gaining electoral support.⁴⁷

363. In Chapter 3, paragraph 166, we recommend that committees should be deliberative and advisory bodies, and not executive organs of the authority. We do not see the potential value of a co-opted member with specialist interests or qualifications being in any way diminished because the role of the committee is changed. Any such change would clarify the position of the co-opted members who would manifestly be adjuncts of advisory or reviewing bodies. The co-opted members should continue in such circumstances to have the right to vote. The system enables authorities to obtain the benefit of the services of people who are not prepared to stand for election, and who are only prepared to spend a limited amount of time. By co-opting members, a wider range of the community is associated with the work of the authority. We believe that these are real advantages which should not be lost.

364. The research report refers to a view that the system 'provides a proving ground for future party councillors'.⁴⁸ This may be an incidental benefit but it should not be used as a reason for co-opting any particular person. Although

⁴⁵ Volume 5. Chapter 3. The council members: paragraph 200.

⁴⁶ Volume 2. The local government councillor. Tables 5.11 and 5.12.

⁴⁷ Volume 5. Chapter 3. The council members: paragraph 214.

⁴⁸ *Ibid.*: paragraph 196.

reference has been made in paragraph 362 above to the resentment amongst elected members caused by co-opted members holding privileges and exercising powers which they have not earned through gaining electoral support (and the findings of the Social Survey tend to confirm this), we have no evidence to show that the system is a deterrent to people standing for election, nor that it is a serious cause for discontent amongst elected members themselves. But just as the system is criticised because it is used to bolster up the representation of the majority party in some authorities, so it is commended by others as a defence against the tide of party politics in local authorities. We regard it as an abuse of the system for co-opted members to be chosen for party political purposes; at the same time our commendation of the system is not on the grounds that it is a convenient off-set to party political influence.

365. Our conclusions are that the co-option of additional members is to be commended because:—

- (a) it enables local authorities to use people who are particularly qualified to assist in the work of specialised committees;
- (b) it associates voluntary bodies and other organisations which share the aims of the council with the work of the authority and thereby promotes co-operation and mutual understanding;
- (c) in the event of local government reorganisation it would provide a means whereby local opinion could be brought into touch with the work of the enlarged authorities.

366. We recommend that:—

- (a) Local authorities should make greater use of the co-option of additional members to committees.
- (b) If use is made of co-opted members, then at least two-thirds of each committee should be elected members of the local authority.
- (c) Co-opted members should continue to have the right to vote.

Party politics

367. Party politics extend to lower levels of decision-taking in local authorities in England and Wales than they do in other countries whose local government practices we have examined. Dr. Marshall tells us that in none of the other countries are the parties 'permanently embattled in the same way as in many English industrial authorities'. In Sweden councillors are nearly all elected on a party ticket, but party disagreements are kept to major matters of party ideology and there is a general willingness to find acceptable solutions to awkward problems.⁴⁹ In the Netherlands a multiplication of parties is encouraged but 'parties having usually to govern in alliance with others, do not press their own tenets too far . . .'.⁵⁰ In West Germany the political parties are

⁴⁹ Volume 4. Local government administration in Sweden: paragraph 93.

⁵⁰ Volume 4. Local government administration in the Netherlands: paragraph 36.

encouraged but relations between the local parties and central headquarters are weak and this contributes to an absence of ideological difference in local government matters.⁵¹ In the United States of America, there is an absence of a settled party ideology; party politics tend to take on a guise of organisations seeking to secure favours for their supporters. At present two-thirds of the authorities in the United States with populations above 5,000 claim that their elections are non-partisan. There is a move towards partisanship, however, and much play has been made of the difficulty of having a coherent and constant policy in the absence of a clear party line.⁵²

368. In this country the percentage of uncontested seats for councils of counties and rural districts is far higher than for the councils of other types of authority,⁵³ and it is in the county and rural district councils that party politics are least prevalent. The research report says that 'the high proportion of "urban" areas which operate on a party basis, in contrast with the comparatively low proportion of county and particularly of rural districts, is note-worthy'.⁵⁴ The Social Survey shows that, apart from the rural district councillors, the majority of councillors say that they consider themselves part of either the majority, or the main opposition, group on councils.⁵⁵

369. Not only are members elected by a minority of the electorate but the candidates are not necessarily the people whom the electorate would put forward; they are frequently persons whom party organisations select or invite. In some respects the situation is not dissimilar from that in West Germany where the elector votes for a party list and members are selected by the parties themselves. The Social Survey finds that just over half the members are first brought into touch with council work by organisations, mostly political bodies, or the trade unions or other work organisations.⁵⁶ Just over one-third of all members claim that they were asked to stand by a political party but 70% of metropolitan borough and 62% of county borough councillors say that they were invited to stand by political parties.⁵⁷

370. The Social Survey finds that 39% of all councillors say that they are independent, that is that they do not belong to any group in the council. Over 90% of members in the county borough and metropolitan borough councils think that it is essential for candidates to have support of a party organisation to get elected. In rural district councils 13% of members think this way.⁵⁸ Overall,

⁵¹ Volume 4. Local government administration in the Federal Republic of Germany: paragraph 60.

⁵² Volume 4. Local government administration in Canada and the United States of America: paragraphs 70-73.

⁵³ See paragraph 321 above.

⁵⁴ Volume 5. Chapter 5. Some effects of the presence or absence of party politics on the operation of local authorities: paragraph 4.

⁵⁵ Volume 2. The local government councillor. Table 7.2.

⁵⁶ Volume 2. The local government councillor. Table 2.7. (In passing we remark that a personal approach might well be an individual approach on behalf of a political party.)

⁵⁷ Volume 2. The local government councillor. Table 2.10.

⁵⁸ *Ibid.* Table 7.6.

half the members say that it is not essential to have party support in order to get elected. In 'urban' authorities it would be fair to say that the chances of an independent candidate being elected are remote.

371. *The extent to which local authorities are run on party political lines.* The picture is not altogether clear and much depends on the interpretation which is placed on statistics. The following tables have been compiled from information in the Municipal Year Book for 1967.

County councils

Category	Number
Non-party	14
Labour dominated ...	7
Conservative dominated ...	3
Independent	3
No dominant party ...	7
No category	24
Total	58

County borough councils

Category	Number
Labour dominated ...	48
Conservative dominated ...	13
Liberal dominated ...	1
Independent	2
No dominant party ...	12
No category	6
Total	82

Non-county borough councils

Category	Number
Non-party	29
Labour dominated ...	58
Conservative dominated ...	51
Liberal dominated ...	1
Independent	57
No dominant party ...	63
No category	9
Total	270

Rural district councils

Category	Number
Non-party	268
Labour dominated ...	26
Conservative dominated ...	9
Independent	57
No dominant party ...	18
No category	95
Total	473

Urban district councils

Category	Number
Non-party	86
Labour dominated ...	149
Conservative dominated ...	71
Liberal dominated ...	4
Independent	93
Ratepayers' Association ...	1
No dominant party ...	99
No category	32
Total	535

372. If authorities stated to be 'non-party', together with those in 'no category' are excluded from the party classification and if the 'independents' are included, 34% of the county, 93% of the county borough, 86% of the non-county borough, 78% of the urban district and 23% of the rural district councils operate to some extent on a party basis.

373. *Critical attitudes towards party politics in local government.* The evidence contains much general criticism of the influence of party politics in local government. The dominant theme is that they affect the attitude of people towards serving on councils. Party politics are thought to deter people 'of the right calibre' from offering to serve, and prevent some independent candidates from standing. There is a view that professional men in particular are deterred from offering themselves for service when it means seeking the support of a political party. One witness points out that no councillor of any real ability will serve once he realises that he has little chance of becoming chairman of a committee (if, for example, he belongs to a minority party which stands little chance of gaining control of the authority), or of exercising some lasting and worthwhile influence; the chairmanship of a committee (along with a happy relationship with its principal officer) can in his view be one of the most rewarding experiences in local government service.

374. A more detailed and closely reasoned case against party politics in local government is contained in the evidence of the Kew Ratepayers' Association. In addition to the objections raised in submissions already mentioned the Association considers that:—

- (a) the activities of local authorities are basically not of a political nature;
- (b) it is not necessary for a local councillor to be a member of a party group in order to make himself known to the electors;
- (c) local elections are used to keep the party machinery in working order;

- (d) some candidates are chosen solely because of their party membership irrespective of personal ability;
- (e) where a ward has a clear majority one way or the other the selection of a councillor is virtually in the hands of the committee of the majority party;
- (f) the 'group system' has a harmful effect on the working of local councils by making debates in the council chamber meaningless;
- (g) the regular stirring up of a political feeling in small communities is harmful;
- (h) decisions taken on party political grounds discourage officers who see their unbiased advice disregarded.

375. The research report finds that in most of the non-party authorities in the sample, many members and officers regard party politics as an unmitigated evil, and it refers to the apologetic attitude of many Conservative members which suggests that the reluctance of some of them to use the party political label seems to be symptomatic of a guilty feeling that party politics are inappropriate to local affairs.⁵⁹ The Social Survey finds that, of the minority of members who feel that the main work of the councils is affected by the attachment of many members to political groups, over half think that the most important effect is the adoption of doctrinaire policies regardless of individual circumstances.⁶⁰ Although two-thirds of the comments on the effects of party politics on the work of the council are critical, these critical comments come from only 12% of all councillors.⁶¹ 71% of ex-members think that the work of local authorities can be done better without the influence of party politics.⁶²

376. *Favourable attitudes towards the influence of party politics.* There is a body of evidence which believes that party political organisation is of real benefit to local government. One witness says that party politics stimulate competition for candidature; the Lancashire County Council points out that electors are able to assess the course of action a candidate is likely to take on particular issues and to know where collective responsibility for policies and decisions lies. Another view is that party politics have the following advantages:—

- (a) candidates of limited means are enabled to stand;
- (b) policies can be planned in advance much more clearly than they can by groups of individuals;
- (c) councillors' attendances are maintained.

Party politics in local government, it is contended, do not necessarily mean blind adherence to the party whip. The Conservative and Unionist Central Office says that the abuse of the party group system by reducing the council meeting to a 'rubber stamping' of majority party group decisions undoubtedly contributes to the widespread impression that the individual member has little influence. The Central Office believes that those participating in council work

⁵⁹ Volume 5, Chapter 5. Some effects of the presence or absence of party politics on the operation of local authorities: paragraphs 78 and 79.

⁶⁰ Volume 2. The local government councillor. Table 7.10.

⁶¹ Ibid. Table 7.11 and Chapter VII, page 213.

⁶² Ibid. Table 9.53.

would not accept this impression as correct and that party groups on the larger councils are desirable in order to attain co-ordinated action and to ensure that information is available to members.

377. The research report finds that it is, in the main, Labour party members who support party politics most wholeheartedly on the grounds that they enable the electorate to know what it is voting for and ensure a consistent direction of policy.⁶³ The Social Survey finds that three-quarters of all members think that the fact that many members are attached to political groups does not affect the council's work⁶⁴ and 42% (excluding rural district councillors) believe that the party system is essential.⁶⁵ In the survey of the electorate only 3% of those interviewed think that to make local government non-political is the most important thing that might attract people into local government.⁶⁶

378. *Assessment of the effects of party politics.* Burke said that a 'political party is a body of men united for promoting by their joint endeavours the national interest, upon some particular principle in which they are all agreed'. Bagehot, writing of the House of Commons, said that 'efficiency in an assembly requires a solid mass of steady votes; and these are collected by a deferential attachment to particular men, or by a belief that these men represent, and they are maintained by fear of these men by the fear that if you vote against them, you may yourself soon not have a vote at all'. It can be argued that local authorities are not concerned with 'principles' because these are thought out by the government of the day and, if necessary, embodied in legislation approved by Parliament; local authorities are more concerned with administering services or functions in furtherance of these principles. It can be argued further that in a local council there need not be a 'deferential attachment to particular men' as the constitution of a local authority does not produce the political insecurity of a government dependent on a majority in the council because there is no government, in the Westminster sense, to vote against. It is commonly said that much that local authorities do has no political content; this is true and the research report suggests that the extent to which party political attitudes intrude into consideration of issues which do not raise matters of party principles can be exaggerated.

379. There has been a long tradition of activity by the Labour party in the councils of urban and industrial areas which has its roots in the times before it was an effective party in Westminster. This tradition continues. The presence of one political party calls into existence its opponents. If any reorganisation of local government results in fewer, and hence generally larger, local authority units, the proportion of local authorities run on party political lines may increase.

380. There is no doubt that the major political parties of the country regard their fortunes in local authority elections as signs and portents. We have no evidence to show to what extent party groups of a local authority accept guid-

⁶³ Volume 5. Chapter 5. Some effects of the presence or absence of party politics on the operation of local authorities: paragraph 79.

⁶⁴ Volume 2. The local government councillor. Table 7.9.

⁶⁵ Ibid. Table 7.11.

⁶⁶ Volume 3. The local government elector. Table 177.

ance or instructions from national party headquarters; even if guidance and instructions are neither sought nor given, it is reasonable to suppose that there will be a coincidence of views or an exchange of views which contributes to a close working relationship between a local party group and national headquarters. This is reinforced by a tendency for members of Parliament to have served a political apprenticeship on local councils. Just as there is a dependence of local authorities on the central government for money and for legislative backing, and just as professional officers often have close contacts with their professional colleagues in Whitehall, so the activity of the major political parties in local councils brings local authorities into closer association with Westminster. The relationship in Sweden between local authorities and the central Parliament is in some respects closer than it is in this country in that the county councils are the electoral colleges for the Upper House and 85% of the members of both Houses of Parliament in Sweden are local councillors.⁶⁷ Yet this close relationship does not produce the degree of party political antagonism which exists in local authorities in this country.

381. In Sweden where party politics are more widespread than in this country, there is said to be no difficulty in finding good men as candidates. In England and Wales, party political organisations are more successful in producing candidates than the non-party arrangements generally found in county and rural district councils. In Sweden the turnout for the polls averages 80%; in this country despite party politics the turnout is less than half the electorate. Party politics do not produce popular reaction at local authority election times in this country; there is no evidence to show whether or not party politics contribute to a closer relationship between the member and the electors.

382. Although there are assertions in the written evidence that party politics result in a doctrinaire approach by members, and prevent rational consideration of issues on their merits, the research report finds that when there is an effective majority 'it would . . . be a mistake to assume that the bulk of business is transacted on party lines. Nearly all the evidence is to the contrary. In committees and sub-committees free discussion and even "cross-voting" is quite common'.⁶⁸ In those authorities where there is no effective majority, or where majorities are short-lived, there is more likely to be party acrimony. In authorities where there is an overwhelming majority, the majority party can afford to give a proportional share of committee chairmanships and aldermanic seats to the minority party and where this is done it can lead to amicable working arrangements.⁶⁹

383. We have made no study of the work of party groups. The findings of the research report are based on the authors' personal observations of the effects of the existence of party groups on councils' business and on comments by party leaders, members and officers. The research report says that ' . . . almost invariably, party groups of all political persuasions meet before each council meeting, to receive information about the business and in most instances to decide on a party line (even though this may not be obligatory) '. Whether a

⁶⁷ Volume 4. Local government administration in Sweden: paragraph 16.

⁶⁸ Volume 5. Chapter 5. Some effects of the presence or absence of party politics on the operation of local authorities: paragraph 14.

⁶⁹ *Ibid*: paragraph 19.

party group is engaged in vetting recommendations originating in committees, or considering a line to be taken in council or in a committee, it is a closed organisation which the electorate may not be able to influence. In so far as decisions of the group are 'binding' on the member he can be regarded as a delegate of the group or party organisation rather than a representative of his electorate. There is a possible contradiction between the stimulus to public interest and contact caused by election campaigns and the appeals of party controversy on the one hand, and the tendency towards an inward-looking organisation in the party group, unresponsive to the needs of the electorate as a whole, on the other.

384. Principal officers are servants of the council; their conditions of service preclude their being called upon to advise any political group of the council or to attend any meeting of the political group. This can result in party groups taking important decisions without professional advice and without a full knowledge of the facts. The research report believes that it is a mistake to think that this problem is acute either in all party authorities or even in all aspects of the work of any, because the bulk of the day-to-day work is non-political.⁷⁰ The research report has no doubt that many officers find a way of ensuring that adequate information is available to party groups before they reach decisions.⁷¹ In our view it is both inefficient and wrong that a policy-making body of the majority party should be without official advice. Those members who formulate policy within the council should be seen to do so and the advice of officers should be available to them.

385. The research report shows clearly the extent to which hitherto, under the present internal organisation, majority parties have been able to consolidate their power by taking the chairmanships of the committees. Less than 1% of all chairmanships in the new London borough councils and 9% of the chairmanships in all other party authorities are held by members of the minority party.⁷² In those authorities operating on party lines the authors of the research report find that it is inevitable that elections to chairmanships are made with some regard to party membership. 'If there is a majority party it will either take all the chairmanships or concede a number to the minority; if there is no party with an overall majority it is probable that some attempt will be made to divide the chairmanships between the parties'.⁷³ The research report shows that the role of the chairman of the committee has evolved in such a way that he becomes a dominant figure in a particular aspect of the council's service. 'It may be expected', the authors of the research report conclude, 'that the political responsibility for a service will more and more clearly devolve upon the chairman'.⁷⁴ The research report also refers to 'the subtle and complex relationship' between principal officers and committee chairmen which can have 'the practical effect of placing a majority party with a monopoly of important chairmanships in an advantageous position in drawing on professional advice'.⁷⁵

⁷⁰ Ibid: paragraph 48.

⁷¹ Ibid: paragraph 49.

⁷² Ibid: paragraph 7.

⁷³ Volume 5, Chapter 7, Committee chairmen: paragraph 3.

⁷⁴ Ibid: paragraph 120.

⁷⁵ Volume 5, Chapter 5, Some effects of the presence or absence of party politics on the operation of local authorities: paragraph 13.

386. Active party politics in a local authority cannot easily be reconciled with the present committee system; the reality of power lies in the party group and in the party majority in the council and not in a consensus of opinion in a committee. A political party with a majority in the council and on the existing committees has the substance of power which it may exert in different ways. At one extreme a particular issue may be determined in the party group and forced home in the committees or the council; at the other extreme, the approach of the majority party may be accommodating and solutions acceptable to all members may be sought in the committees. If a majority party uses its power toughly, the value of the committee is diminished. In an authority where the key chairmanships (if not all) are taken by the majority party and where there exists a superior committee (e.g. a 'policy' committee, or a 'finance and general purposes' committee) composed of the chairmen of the committees there is the basis of a managing body.⁷⁶

387. In Chapter 3, paragraph 158, we recommend that local authorities should set up management boards where political power will be gathered and concentrated. We suggest that minority parties should be represented on a management board so that they may more readily assume responsibility if called on to do so after elections and so that they can make a contribution to the control and direction of the authority. Our recommendations in that chapter are also designed to free members from the unproductive aspects of committee work so that they may have more time to devote to the affairs of their constituents and to inform themselves on the major issues which face the authority; by so doing we believe that the members will be able to play a fuller part in council and so serve as more effective checks on the management board and on the departments.

388. *Conclusions.* Party politics are to be deplored when they produce, as they sometimes do, irrelevant and sterile debate or stifle discussion, and when they dictate the approach towards issues which are manifestly non-political. In these circumstances, people are driven into impatience with party politics and to the view that they do not contribute to the effective work of local government. Any discredit party politics earn in a local authority brings discredit to the authority itself.

389. Party politics are an inescapable part of public life and their influence is likely to grow in local government if reorganisation results in fewer and generally larger authorities. The close association of political parties at the national and local level adds to the dependence of local authorities on the central government and to the reproduction of the party attitudes of Westminster in the local council chamber. We do not believe that this contributes to the health of local government. We believe that local authorities would benefit from having some members without party affiliations and that steps should be taken to make it easier for the independent candidate to stand for election.⁷⁷

390. Our proposals for a management board as part of the internal organisation of a local authority will, if acted on, clearly identify where power lies in the council. We see it as a means whereby party political responsibility in a council is made apparent in an organ which is clearly part of the authority rather than

⁷⁶ The words 'managing body' are explained in Chapter 3: paragraphs 156 to 162.

⁷⁷ We make recommendations accordingly in paragraph 400.

resting remotely in a party group which is outside the scrutiny of the council and without the benefit of advice from senior officers of the authority. The development of management boards in local authorities makes necessary a closer vigilance by the generality of members and a closer relationship between them and the electorate in the ways we advance in Chapter 3 and refer to in paragraph 387 above.

391. Although party politics produce candidates where perhaps they might not otherwise be found, they do not stimulate a great interest in local government in so far as the proportion of the electorate voting is a measure of this interest. There is no evidence to show that party politics make an authority any more responsive to the needs of the electorate or that there is a closer relationship between the authority and the electorate because of them.

392. Party politics do deter some people from standing for election, but there is no evidence to show that if party politics cease to operate in a local authority or are less active these people will stand for election.

393. We have stressed that the advice of officers must be available to the managing body of a local authority; this may put officers in a special position in relation to the majority party.

Independent candidates

394. Although we have no information from the Social Survey on the extent to which election expenses are a deterrent to potential candidates, we believe that the cost of contesting an election can be a deterrent to the independent candidate who cannot rely on outside financial support to meet or contribute towards his election expenses.

395. A candidate at a local government election may incur a maximum in the way of election expenses of £25, plus an additional twopence for each entry in the Register of Electors above the first 500.⁷⁸ No assistance is given from official sources.

396. Little written evidence was submitted to us on the subject of election expenses. One view is that it is only possible for the independent candidate to participate in the 'lowest levels' of local government elections where the cost of candidature is still within an individual's means. The suggestion is made that one free postal delivery of election material should be allowed for each candidate and particularly to encourage contests in county council elections where sometimes even the political parties are not prepared to bear the heavy expense of distributing material to a scattered electorate.

397. A significant proportion of election expenses relates to the distribution of election material, especially by the independent candidate who does not enjoy the advantages which a party organisation with many helpers brings. It is here that we think the independent candidate can best be assisted.

398. If a candidate is allowed one free postal delivery of election material, it will make it easier for the frivolous candidate to canvass the electorate and for malicious and undesirable bodies to gain access to the public. At present such

⁷⁸ Representation of the People Act 1949: section 64.

people are perhaps deterred by the cost and labour of distributing election material. We believe that it is worth encouraging the serious independent candidate even at the risk that at the same time the frivolous or malicious candidate will be assisted.

399. It can be argued that assistance in the delivery of election material will bring no advantages for independent candidates because party-supported candidates will be able to promote a more sophisticated campaign. But assistance in the delivery of election material will reduce the sum of money needed by a candidate to conduct a campaign and should therefore assist those independents for whom, in the past, the cost of fighting an election has been prohibitive.

400. We therefore recommend that each candidate at a local government election should be allowed one free postal delivery of election material.

Term of office and frequency of elections

401. The burden of our argument in this chapter is that local government should be both intelligible and responsive to the public. Both the times and circumstances of elections to local authorities vary with the type of authority. The main features of the law are:—

- (a) the term of office for all local government councillors is three years;⁷⁹
- (b) county councils operate under the triennial system; the councillors are elected together and retire together in every third year;⁸⁰
- (c) borough councils operate under the annual election system, one-third of the councillors retiring every year;⁸¹
- (d) urban and rural district councils usually operate under the annual election system but provision exists for them to have triennial elections if the county council considers this expedient.⁸²

402. There are three issues. First, is a three year period of office adequate, too long or too short? Secondly, is the system of triennial elections preferable to the annual election system and in any case should all local authorities operate on the same basis? Thirdly, should elections take place at the same time throughout the country and if so when?

403. *The three year period of office.* A number of witnesses favour a longer term of office than three years though for different reasons. One reason is that a longer term will provide greater continuity of policy and identification of councillors with the results of policies for which they are responsible. Another reason is that a longer term will enable newly-elected councillors to have a better grasp of the councillor's work by the time they are required to submit themselves for re-election. Witnesses define a longer term as four or seven years. Although there is written evidence in favour of the annual election system for a proportion of the councillors, there is none in favour of a term of office of less than three years.

404. We believe that a term of office of three years for a member is suitable and we do not recommend that this should be changed.

⁷⁹ 1933 Act: sections 8(2), 23(2) and 35(3).

⁸⁰ Ibid: section 8(2).

⁸¹ Ibid: section 23(2).

⁸² Ibid: section 35(3).

405. *Triennial and annual elections.* The Society of Town Clerks in written evidence supports the introduction of the system of triennial elections in those authorities where it does not apply in order to avoid the short-term view of policy-making which annual elections encourage. The triennial system will in their view enable the benefits of new or improved services to be demonstrated before judgment is passed at the polls. Another view is that, if the central government really wishes to encourage the development of party politics in local government and the sense of a 'government' and an 'opposition', the logical step is to hold a municipal general election (for the whole council) every three years.

406. On the other hand, one witness thinks that greater continuity will be achieved if rural district councils' elections are held annually for a third of the membership; another sees a difficulty, in those local authority areas divided into wards which return more than one councillor, of ballot papers containing long lists of names if elections are held triennially. The National Union of Ratepayers' and Residents' Associations fears greater apathy at election time if there is a gap of three years between elections; it is difficult enough to maintain interest in local affairs when there is an annual appeal to the electorate.

407. The research report⁴³ finds that only one-third of the elected members, but nearly all officers, interviewed would welcome the system of triennial elections. The following arguments are adduced in favour of the system:—

- (a) a year is not long enough for an authority to build up a consistent policy and show that it can be carried out; an authority needs a reasonable period of office if the democratic machinery is to function properly;
- (b) it is difficult to maintain the public's interest when they are constantly being required to go to the polls;
- (c) the system of triennial elections is less expensive;
- (d) the system of triennial elections may avoid the annual hiatus caused by the unwillingness of local authorities to take decisions which may become election issues; it may also avoid excessive party-political activity and preoccupation with the ballot box to the neglect of the good of the community.

But supporters of the system of annual elections argue that it ensures continuity as rapid changes in the composition of councils and committees are avoided.

408. The research report finds no evidence that triennial elections of the whole council result in less continuity than annual elections of one-third of the council. The report agrees that annual elections result in frequent disturbances of long-term planning with an eye to short-term gains at the polls and that a year is not long enough to identify responsibility in an authority for new policies. Annual elections are seen as an 'encraving factor' which contributes to 'the public misunderstanding of and indifference to current local government'. The report advocates a system of simultaneous retirement of councillors after a period of office of not less than three years enabling a policy to be formed, implemented and judged by the electorate.

⁴³ Volume 5, Chapter 15, Triennial elections: paragraph 3.

409. Arguments are adduced for both systems that they contribute towards stability and continuity in the affairs of an authority. It is true that the system of annual elections of one-third of the council prevents a clean sweep of councillors which might happen under the system of triennial elections of the whole council. But, where parties are fairly well balanced, an annual election of one-third of the council can tip the balance between parties and produce lack of stability. Equally it can be argued that many retiring councillors will stand again and many will be re-elected whichever system operates.

410. In our view the system of annual elections whereby one-third of the councillors retire every year is more likely to result in timidity of outlook by local authorities and the absence of a long-term view than the triennial system. The system of annual elections can mean that policies will be dictated from year to year by quite different principles and the authority may have difficulty in drawing up coherent long-term plans.

411. We believe that the triennial system enables the policies and achievements of the council to be more clearly judged by the electorate and that it contributes towards intelligible local government. The argument that the annual system keeps interest in the authority's affairs alive and the party machine running is doubtful; in so far as it is valid, it is outweighed by the arguments in favour of the triennial system.

412. We recommend that, in all authorities, councillors should retire together and that the system of triennial elections should be applied in all types of local authority.

Simultaneous elections

413. There is no written evidence on this issue. The research report quotes suggestions that November is a better time of the year for local authority elections than the spring, when they are now held, as the coincidence of elections with budget-making encourages the formulation of financial policy with an eye on the ballot-box.

414. Elections are at present timed so that those for county councils do not coincide with those for the district authorities. Although the day for election of borough councillors is the same throughout England and Wales and is fixed each year by the Secretary of State, county councils can select a day in a particular period in April for their own elections, and a day in a particular period in May for district council elections after consultation with the district councils concerned.³⁴

415. The Royal Commission on Local Government in Greater London says:—

'We believe it would be possible, and if so we think it very desirable, that elections for the (Greater London) Council and elections for the Greater London Borough Councils should be held simultaneously, so that at one and the same polling booth at one and the same time an elector votes on a Parliamentary constituency basis for one member of the Council of Greater London, and on a ward basis for his own Borough councillors as at present.

³⁴ Representation of the People Act 1948: section 57.

It seems to us that this would bring about a very desirable measure of simplification and would help Londoners to understand better the types of council for which they are voting and the functions of the councils to which the candidates are seeking election'.⁸⁵

416. Our conclusions are that the arguments advanced by the Royal Commission on Local Government in Greater London for simultaneous voting are applicable to elections to county and district authorities in England and Wales. The Local Government Information Officer has been conducting a campaign to stimulate interest in local authority elections. There would be a greater impact if the election of councillors to all types of authority were held simultaneously.

417. We know of no reason why electors should not vote at one and the same time and at one and the same place for councillors for the county council and for councillors for the district council.

418. We recommend that the local authority Associations should together examine the implications of holding simultaneous local elections throughout the country.

419. There is no overriding argument for moving the time of local authority elections away from the spring to, say, the autumn; the need to separate budget-making time from the election time is diminished if our recommendation is accepted that the system of triennial elections should be applied to all types of local authority.]

Qualifications for members

420. There are three alternative methods of acquiring a qualification for election to any local authority:—

- (a) being registered as a local government elector for the area of the local authority in question—i.e. being entitled to vote for the election of councillors for that authority (section 57(a) of the 1933 Act);
or
- (b) the ownership of freehold or leasehold property within the area of the authority (section 57(b) of the 1933 Act);
or
- (c) residence within the area of the authority during the whole of the twelve months preceding the election (section 57(c) of the 1933 Act).

421. We received little evidence on this subject. On the one hand it is suggested that in industrial areas many suitable candidates tend to live outside the local authority boundary in which they work and where their greatest interests lie, and that the qualification rule should be amended to remove the 'technical requirements of having to rent or own leasehold or freehold property in the borough'. On the other hand there is the view that it should be made illegal for a member to represent a parish or ward where he (or she) is not resident or owns no property.

⁸⁵ Cmnd. 1164 (1960): paragraph 856.

422. One witness tells us in written evidence that the difficulty over the residence qualification can be, and sometimes is, overcome by making 'special arrangements' for the person concerned to have a rating qualification. We are aware that subterfuges are adopted to obtain a residence qualification (e.g. the practice of adding a name to a tenancy agreement). We do not know to what extent such arrangements are practised; they are objectionable in that they circumvent the law.

423. The Social Survey shows that members have a longer attachment to their areas than electors except in the county boroughs,⁸⁶ and nearly two-thirds of all members who were working at the time of the survey normally work in the area of the council which they represent.⁸⁷ The Social Survey also finds that members in the 'professional' category are much less likely to have lived 25 years or more in the council area than other members;⁸⁸ that amongst the general population many more of the 'professionals' than others are likely to have made two or more moves of residence during the previous ten years⁸⁹ and that their moves are likely to take them further away on average than the moves made by most of the other social classes.⁹⁰

424. Our conclusions are that:—

- (a) the present legislation makes it difficult for certain people to stand for election and may be the cause of their resorting to arrangements to enable them to satisfy the requirements of the law;
- (b) mobility of people increases; many may have just as much interest in the area in which they work as in the area in which they live and this should be recognised;
- (c) the effect of the law is to exclude some people who might be valuable candidates for election to local authorities, particularly in urban areas.

425. We recommend that there be an additional alternative qualification for election to a local authority, namely that the person should have had a principal place of work within the area of the authority during the whole of the 12 months preceding the election.

CLOSER LINKS BETWEEN LOCAL AUTHORITY AND COMMUNITY

426. This chapter draws attention to the gulf between the public and the local authorities which serve them. Any re-organisation of the structure of local government which results in the creation of fewer, but generally larger, local authorities might well make local authorities more remote and detached from the electorate. It is not only necessary for the well-being of local government but it is also in the interests of the public that arrangements are made to enable opinion to be brought to bear on the local authority; to enable individuals who have grievances or complaints to get them heard and answered and for the community at large to have a wider understanding of, and a feeling of involvement in, the work of their local authority.

⁸⁶ Volume 2. The local government councillor. Table 1.21.

⁸⁷ *Ibid.* Table 1.23.

⁸⁸ *Ibid.* Table 1.25.

⁸⁹ *Ibid.* Table 1.26.

⁹⁰ *Ibid.* Table 1.27.

The schools

427. It is in the schools where much can be done to develop an understanding of the physical and social environment of the community and of the way services are provided for it. In the written evidence many witnesses urge that more time should be devoted to the study of local government in schools, both to increase awareness of local authorities' duties and powers and more specifically to encourage service as members or officers.

428. In oral evidence to us the representatives of the Associations of Chief and Education Officers stress the difficulty of making practical exercises in civics more than mere 'play acting'. They consider that attendance at council meetings is of little value to pupils, owing to the difficulty of ensuring that the matter under discussion on the occasion of the visit will be of sufficient interest.

429. The school leaving age is to be raised to 16 in 1970 and attention is being given to the way in which this extended school life should be used. We believe that the opportunity should be taken to use the additional year to broaden the pupil's knowledge and experience and that an understanding of local problems and of the part that the local authority plays should be developed and form part of this knowledge and experience. This presupposes that teachers themselves have an understanding of the role of local government in shaping the physical and social environment of the community; greater emphasis on this is necessary in the training of teachers.

430. We recommend that schools should explore every means of associating themselves with the life of the community, and that local authorities should welcome and encourage efforts by the schools to play their part.

431. We recommend that schools should make the preparation of older children to play an active and useful role in their communities in adult life an important element in the curriculum; schools should consider how they may best develop in their pupils an understanding of the community's physical and social environment and the way its needs are met, and of their responsibilities to it.

432. We also recommend that the syllabus for the training of teachers should include a course of study in the role of the local authorities in shaping the physical and social environment and in the way local authorities carry out their functions.

Voluntary bodies

433. We have heard criticisms, which we have not substantiated, that some local authorities either resent the work of voluntary bodies when it impinges on their own services or do not encourage it. It is perhaps understandable that an authority's professional officers should be suspicious of the actions of well-meaning amateurs and that members should resent the intrusion of voluntary organisations into fields where they as members are actively involved. The research report finds that the part which outside associations play in the business of borough councils is small. But the research report also finds that in some instances there is a widespread pooling of information by voluntary agencies and local government committees.⁹¹ The Social Survey does not find that

⁹¹ Volume 5. Chapter 3. The council members: paragraph 46.

councillors rate voluntary associations high as a means of approach to the public⁹² and this method is suggested as the main way of gaining a closer knowledge of the electorate by only 6% of the members answering the Social Survey's questionnaire.⁹³ A significant proportion of members are first brought into touch with local authority work through their contacts with organisations other than political bodies, trade unions and work organisations⁹⁴ but many fewer are actually asked to stand for election by such bodies.⁹⁵ Members of local authorities spend a considerable proportion of their public time with other organisations⁹⁶ and are much more likely to belong to outside organisations than are the general public. Members say that they see more advantages than disadvantages in authorities using voluntary organisations to meet new and developing needs but a significant minority of members (nearly a quarter in metropolitan boroughs) say that they believe that the local authority should provide all services to the public.⁹⁷

434. The voluntary organisations are able to make positive contributions to the work of local authorities, and they enjoy certain advantages, such as:

- (a) flexibility of voluntary services in that they are not inhibited by lack of statutory powers or by detailed financial or ministerial control;
- (b) their ability to introduce experimental services, e.g. hostels for alcoholics, domiciliary family planning services;
- (c) they conduct social work amongst elements of the population who are distrustful of officialdom.

435. The voluntary organisations in a local authority area, particularly in the welfare field, are important elements in the community and can act as valuable aids to local authorities in their work. We recommend that closer relationships should be developed by local authorities with voluntary organisations to supplement the work of the authority and to assist in the association of the community with that work.

Responsive administration

436. Not only is there confusion in the minds of the public whether central government or a local authority is responsible for a service or function, but there is also confusion as to which local authority or which type of authority provides a particular service. To this must be added the uncertainty about who, or what organ, within an authority provides a particular service or can answer a particular question. It is necessary that the public should know to whom they can go for information or to make complaints or to whom they can appeal. In addition, a local authority must be responsive to opinion, suggestions and grievances whether they come from the public at large or from individuals.

⁹² Volume 2. The local government councillor. Table 8.8.

⁹³ *Ibid.* Table 8.9.

⁹⁴ *Ibid.* Table 2.7.

⁹⁵ *Ibid.* Table 2.13.

⁹⁶ *Ibid.* Table 6.6.

⁹⁷ *Ibid.* Table 6.7.

437. We believe that the most important contribution which can be made to bringing the public and the local authority into closer contact and to overcoming what the Social Survey calls the public's 'feeling of alienation' from the authority is to enable the members of the authority to have more time to devote to their constituents and to the various social groups and associations in the local authority area. Our recommendations in paragraph 151 in Chapter 3 on the functions and responsibilities of members will, we believe, contribute to this.

438. The research report refers to attempts which some local authorities make to stimulate public interest by holding a 'Saturday morning forum' or monthly meetings for the public, and to their failure to evoke any response.⁹⁸ These efforts merit support. We recommend that local authorities institute open meetings at which the public can meet leaders of the authority and discuss and ask questions about important matters of general interest. These open meetings should not be held too frequently and should be given wide advance publicity.

439. The public should be aware of major issues which are under consideration by a local authority and have an understanding of them. An informed electorate is necessary for the health of the local authority. We recommend that local authorities should set out major proposals or issues in council papers as public documents (on the analogy of 'White Papers') with a wide circulation and well in advance of debate in the council.

440. It will assist in identifying responsibility more clearly, and in focussing public attention more acutely on the achievements and short-comings of a local authority, if members are seen to be in a position to challenge publicly those who are responsible. We recommend that local authorities should give high priority in Standing Orders to Question Time and to time for debates on Motions so that members may obtain information publicly, challenge the actions of the management board and engage in debates on topics of their own choice.

441. The research report dwells on the importance of the impression made upon those people who call at their local town hall or council offices. Generally it is found that it is the physical environment rather than the personal aspects of reception arrangements which is deficient.⁹⁹ We recommend that local authorities ensure that arrangements at the council offices are such that the public can gain access to responsible officers to raise matters which affect them personally; that these arrangements include the availability of officers with the capacity to deal with people's problems and the competence to give answers; there should also be provided facilities which enable people to be properly received and directed.

442. It is desirable that issues should be settled at the lowest level possible consistent with their nature. The practice should be that the public normally approaches an officer; this will not preclude the public making direct approaches to members in the course of the day to day contacts between members and their constituents. Where a person deals with an officer and cannot obtain satisfaction, there must be means whereby he can be put in touch with a member. We recommend that local authorities ensure that there are arrangements whereby the public can be put in touch with members if they cannot obtain satisfaction from the authority's officers.

⁹⁸ Volume 5. Chapter 17. The public and local government: paragraph 83.

⁹⁹ *Ibid*: paragraphs 3-19.

Ombudsman

443. We have been aware of the debates¹⁰⁰ about the establishment of a Parliamentary Commissioner (the so-called Ombudsman) and about the scope of his office. He will only investigate matters referred to him by members of Parliament. He will not be concerned with matters that lie within the administrative discretion of local authorities, but he may enquire into any act of a minister or his officials not excluded by (*inter alia*) considerations of security. He will be entitled to consider complaints about the actions of departments in relation to local authorities, but not complaints about local authorities themselves.

444. In the course of debate and of public discussion it was suggested that the scope of this new institution should extend to local authorities, because their powers affect the individual citizen at so many points. These suggestions have taken two forms: the scope of the Parliamentary Commissioner, acting for the House of Commons, might extend to local authorities; or there might be a parallel set of institutions for local government, with commissioners appointed for single authorities or groups of authorities. The evidence given to us by the Society for Individual Freedom refers to the ombudsman in general terms; we have no other relevant evidence.

445. There are difficulties about each of the alternative proposals. A single Parliamentary Commissioner, even with a larger staff, might find it impossible to cover the whole of local government;¹⁰¹ and it would be reasonable for members of local authorities to resent tutelage exercised on behalf of members of Parliament. As for local ombudsmen, we have no reason to believe that council-members would welcome assistance of this kind.

446. We hope therefore that this institution will not be introduced into local government, at least until its working is much better understood. Throughout this chapter, we emphasise the importance of keeping responsibilities clear, and of establishing and maintaining direct communication between each local authority and its local public. The establishment of an ombudsman (or ombudsmen) in local government would only serve to entangle responsibilities which (as we have seen from the evidence) the public do not find it easy to understand even now.

447. Two further arguments convince us that there should be no experiment of this kind at present:—

- (a) A local authority is already subject to more detailed formal control than is any department of the central government. The making of bye-laws and many administrative acts are subject to confirmation by a minister, and a public enquiry will be held if there are objections. On some matters there are appeals to Petty Sessions and Quarter Sessions; and most questions of excess of power or improper failure to use powers can be raised in a court of law.

¹⁰⁰ Debate on the second reading of the Parliamentary Commissioner Bill. Hansard, House of Commons. 18 October 1966. Cols. 42–172.

¹⁰¹ In April 1962 the Danish Ombudsman was given limited powers in relation to local government but Denmark is a small country with a local government system unlike ours.

- (b) There is a relatively small field in which the executive discretion of local authorities is not subject to external review. But that field (for instance, the local authority's position as landlord) is closely scrutinized by members even now, and we hope that if our proposals are adopted it will become clearer than before that the member is primarily a representative, not an administrator. At present, a member may be regarded as judge in his own cause about complaints of maladministration, since he accepts executive responsibility through participation in committees which attempt to administer services themselves. Our proposals would give him a position more like that of an active back-bencher in the House of Commons; bound by the party whip on matters of major policy, but free to pursue the grievances of his constituents regardless of party lines. This may well prove painful to management boards and principal officers, as it does to ministers and civil servants. But this seems to be in the right line of development of democracy as we understand it.

Public relations

448. Public relations are not just a matter of the mechanics of giving information to the public either through the press or over the radio, but also of individual behaviour and attitudes on the part of all who serve the local authority either as members or as officers. Written evidence contains much general criticism of local authorities' public relations. One witness suggests that it is little wonder the local government is unpopular, if, for many people, their only contact with a local authority is its twice yearly rate demand. NALGO believes that the poor image of local government results in a large measure from the failure of all concerned, elected representatives and officers, to recognise that communication is the lifeblood of democracy. The Institution of Structural Engineers is of the opinion that the traditional reluctance of local authorities to spend money for intangible purposes, such as public relations work, is one of the reasons for the worsening image and thus local government's inability to attract outstanding professional engineers. Huntingdonshire County Council considers that local government coverage on television generally leaves much to be desired; the image created is one of indecision, mismanagement and bungling. Some witnesses favour general remedies such as the greater use of modern publicity techniques and more effective contact between authorities and the public, particularly through the press. Most submissions, however, support the appointment of the public relations officer in his more generally understood role of the authority's point of contact with the press and the public. The case is particularly strongly argued by NALGO which appends to its evidence its Reconstruction Committee's 'Report on Relations between Local Government and the Community' which recommends that every major local authority should set up a public relations committee and appoint a qualified officer to carry out the work locally. The Association in its evidence points out that there is a need for a sense of partnership between the citizen, the elected representative and the officer. It feels this can only be developed through the adoption by local authorities of a conscious, lively and continuous programme of public relations; it should not be one-sided propaganda but rather there should be a bridge between the administrator and the citizen over which traffic passes in both directions. The Assoc-

iation states that at present local authorities' work in this field is sporadic, unco-ordinated and inadequate; at the time the evidence was written fewer than 50 authorities had appointed public relations or information officers. One witness emphasises that it is an important duty of a very senior officer in an authority to help the press.

449. A note of warning against placing excessive reliance on public relations activities is sounded by IMTA. IMTA points out that local authorities possess powers of decision which have an extremely important effect on the future life of the individuals concerned, for example in such fields as planning applications and compulsory purchase. In these circumstances people are highly sensitive to the manner in which their particular problems are treated and therefore the responsibility for improving public relations must be shared and felt by every person in the local government service. It is not something which can be satisfied solely by the appointment of public relations officers or by good relations with the press or other bodies desirable though these are. IMTA says that local authorities are rightly subject to more detailed public criticism than private firms and consequently there is all the more reason why local government needs to take special care in its public relations. IMTA feels that the sense of responsibility of everyone in local government for public relations should be encouraged by an example from the top by members and principal officers, that advice on public relations should be part of basic training and that there should be periodic reviews of publicity arrangements. In addition, the Institute believes that there should be more skilled co-ordination of public relations at national and local level. Similarly, the Society of Town Clerks points out that individual members and officers of an authority in their daily contact with the public and in all their public performances are most potent factors in the creation of the public image of local government.

450. The nine Societies of County Chief Officers suggest that local government should conduct a 'continuous and permanent' national advertising campaign to bring before the public how much they in fact owe to local government in the many facilities which they enjoy at all stages of their daily life, and to encourage participation in local authority work. The Rating and Valuation Association advocates clear contacts with the television and broadcasting authorities particularly with a view to developing local broadcasting as a means of securing effective publicity. Lancashire County Council points out that national and international affairs are given overwelming prominence in press, radio and television coverage; news agencies, press, radio and television need to consider how they may play a more constructive part in local affairs. The Council suggests that, as far as television and radio are concerned, this can probably only be achieved by more regional services and programmes. Bridgwater Rural District Council stresses that monthly press conferences are likely to be inadequate and suggests that weekly bulletins of information should be sent to the press. The Council also advocates half-yearly news letters for ratepayers.

451. About a third of the members questioned by the Social Survey believe that the most important things which can be done to raise the level of public interest in local government activities are better public relations, better publicity or

better coverage by press or television.¹⁰² When asked what in their view is the most important thing that can be done to attract people into local government nearly a quarter of the sample of the electorate give as the answer the provision of more publicity and information.¹⁰³ Half the sample say that they want to know more about their councils.¹⁰⁴ The Social Survey's conclusions suggest that the public think that local authorities should propagate information rather than that the electorate should actively seek it.

452. *The press—findings of the Social Survey and of the research report.* Although the Social Survey find that 79% of their sample claim to read their local newspaper regularly¹⁰⁵ and 68% say that they receive their latest information about the council's activities through the local press, only about a third of the electors have heard anything about the activities of the council 'in the last month'.¹⁰⁶ Generally the only information the public get about the local authority's work is through the local press and even that does not appear to make a very striking impression. The dependence of local authorities on the press is of great significance; the responsibilities of a local authority in its relations with the press and in the information and facilities it gives are considerable. The research report¹⁰⁷ draws attention to the sensitivity of members towards press reports, and to the divergence of interests between the wish of the council to publicise its activities and to show the reasonableness of its decisions, and the need of the newspapers to pay heed to the readership appeal of their contents. The research report finds no strong evidence of political bias in reporting on the affairs of local authorities and that most of the criticisms of press reports refer to sensationalism, inaccuracies and bad coverage. The research report states that, out of its sample of 715 local authorities, 10% admit the press to all their main committee meetings. (The education committee is ignored here because, by law, its meetings are open.) 40% of the sample admit the press to some of the main committees and 50% to none. Out of the sample of 622 authorities which have sub-committees, 92% do not admit the press to meetings of the sub-committees. The press is dependent on the local authorities for material; it can get it by obtaining copies of agenda and supporting documents, by being admitted to the meetings of the council and of its committees and by positive arrangements by the authorities for the provision of information. Not least important are the personal contacts between the press, and members and officers. The research report says that 'whether committees are open or closed to the press, it appears to us that informal personal relationships have a paramount importance'.¹⁰⁸

453. *The press—legal provisions.* The Public Bodies (Admission to Meetings) Act, 1960, provides for admission to the council itself and to those committees which comprise all the members of the council.¹⁰⁹ For these meetings an authority can only exclude the public and the press by passing a resolution that

¹⁰² Volume 2. The local government councillor. Table 8.16.

¹⁰³ Volume 3. The local government elector. Table 177.

¹⁰⁴ Ibid. Chapter I: page 38.

¹⁰⁵ Ibid. Table 38.

¹⁰⁶ Ibid. Tables 36 and 32.

¹⁰⁷ Volume 5. Chapter 17. The public and local government: paragraph 32.

¹⁰⁸ Ibid: paragraph 62.

¹⁰⁹ Sections 1(1) and 2(1).

publicity would be prejudicial to the public interest by reason of the confidential nature of the business or for some other special reason.¹¹⁰ Where a meeting is to be open, the local authority must supply any newspaper on request with the agenda and any supporting material necessary 'to indicate the nature of the items included'.¹¹¹ The Act does not say how long before the meeting this information should be supplied or what the purpose of advance supply of information is. Only the press has the right to be given a copy of the agenda and supporting documents, but the Act in giving qualified privilege for defamatory statements in the agenda or documents extends this to copies supplied to members of the public attending the meeting.¹¹² It could be that this factor has made some local authorities chary of supplying the agenda to the public. Under the Act local authorities can only charge the press the cost of transmission of the agenda.¹¹³ There is no provision governing charges to the public. There is some evidence that after the passage of the Act a number of authorities dropped a member from their committees formerly composed of the whole council in order to continue to hold meetings in private.

454. *Admission of the press and the public—evidence.* The Society for Individual Freedom considers that, where executive powers are delegated to a committee, the proceedings of that committee should be in public session and the minutes made available to the press and public within a limited time thereafter. The Federation of Ratepayers' Associations of the London Borough of Enfield considers that there is abundant evidence that the exclusion of the public from committee meetings destroys public interest in the real work of a council, which is done in committee. On the other hand, Fulham Metropolitan Borough Council states that committee business will be less effectively conducted if meetings are open to the public and the press; in particular the Council thinks that, in private, full and free discussion can take place on tentative ideas and subjects on which members will not necessarily wish to be quoted as having expressed opinions. Moreover, the scoring of points for political or other purposes will be avoided. Similarly, members of Huntingdonshire County Council approve their practice of not admitting the press to all committee meetings. They feel that this does not preclude close relations with the press fostered by personal contacts and a regular flow of worthwhile information.

455. *The press—conclusions.* The issue whether or not to admit the press to meetings of committees is one which causes considerable debate. As the written evidence shows, outside bodies regard the taking of decisions behind closed doors with considerable suspicion; the research report's findings show that the exclusion of the press is not uncommon. The issue is part of the much wider, and in our view much more important, aspect of local authorities' public relations. The purposes of public relations can be summarised as follows:—

- (a) to publicise the authority's progress and the results achieved;
- (b) to keep the public informed of the authority's decisions and the reasons for them;

¹¹⁰ Section 1(2).

¹¹¹ Section 1(4)(b).

¹¹² Section 1(5).

¹¹³ Section 1(4)(b).

- (c) to educate public opinion in the authority's problems, in what the authority is trying to do and the means it proposes to adopt;
- (d) to obtain the public's reactions.

To do these things the authority needs the help of the press and, where applicable, radio and television.

456. The prior circulation of agenda and the supporting documents (provided they are circulated to the press in good time) enables the press to tell the public what is to be considered. It also enables editorial comment to be made. If the coverage is good the public will be both informed and educated; opinions can be formed and the council will be acting with some knowledge of the reactions of the electorate to their proposals. If little margin of time is given, at the best the public will merely have last minute knowledge of what is proposed. If the material is circulated too late to meet the printing deadline of the press, the public will be neither informed nor educated.

457. The value of the admission of the press to meetings of committees as they are at present used is open to debate. If the committees have delegated powers and reach decisions, the press can only record the decisions and the arguments for and against; it cannot influence the formal decision by prior publicity. Subsequent publicity informs the public and can of course give the public a chance to raise objections and to express points of view to the extent that the matter is reconsidered in council; this could perhaps cause a decision to be reversed. If the committee is only advising, or recommending to, another committee or the council itself, the act of reporting may stimulate public opinion and so allow opinion to be built up which will affect later proceedings. But committee business is too often a mixture of the trivial, the personal and the important. Much depends on the ability of the reporter to disentangle the important from the unimportant. The trivial may be newsworthy and the important not so; space is limited and the public may not be informed about what really matters.

458. Some witnesses argue that the admission of the press inhibits freedom of discussion but the research report finds that, given good public relations with the press and close understanding with it, meetings can be thrown open without marked effect on discussion. The research report also draws attention to the view that officers are placed in an invidious position of having to give advice in front of the press and that as a result they can be brought into the political arena by seeming to be associated with a particular party's point of view.

459. In Chapter 3 we explain what the functions of committees should be in the internal organisation of a local authority and we stress that only exceptionally should they take executive decisions. We favour the admission of the press to meetings of these committees. We accept that it may be necessary for small committees to be set up to assist principal officers in the taking of certain decisions; in these cases the subject matter may well make it desirable that the press should not be admitted. This is a matter for the local authority to decide for itself.

460. We do not favour the admission of the press to the meetings of the management board, but there is no reason why its decisions should not be conveyed to the press.

461. The admission of the press to committee meetings, and the prior circulation of agenda and supporting documents, are no substitute for good press relations. More is to be achieved by formal and informal press meetings in which agenda and the transactions of the committee are explained.

462. We recommend that:—

- (a) Local authorities admit the press to meetings of committees which have the functions we explain in Chapter 3 but it should remain within local authorities' discretion to decide whether or not to admit the press and to decide whether and to what extent agenda and supporting documents should be circulated to the press.
- (b) Local authorities regard the press as partners in the process of informing and educating the public.
- (c) Local authorities appreciate the difficulties which face the press (e.g. limitations of time and the variable calibre of reporters) and should come to mutually convenient arrangements for the handling of material.
- (d) Local authorities provide adequate facilities for the press such as press rooms and access to, and free use of, telephones.

463. *Radio and television.* There are allegations in the evidence that the mass media do not give sufficient publicity to local as opposed to national news and when local government is featured it is usually to its disadvantage. The first argument is probably unsound to the extent that both television and sound broadcasting have special periods devoted to local news items. If local government is shown to its disadvantage by biased or inaccurate reporting, this is due in part to its own failure to project itself more effectively. Under a system of local broadcasting there should be wider opportunities for local authorities to gain publicity.

464. Local government's relationship with radio and television should be a positive one at both the national and local levels. We recommend that:—

- (a) Local authorities use the opportunities which occur to publicise their achievements and explain their policies on radio and television.
- (b) Local authorities ensure that whoever appears on their behalf on radio or television is able to make full and effective use of these media.

465. *Public relations arrangements by local authorities.* The responsibility for improving a local authority's public relations rests in varying degree on all members and officers serving the authority; it is not something which can be satisfied solely by the appointment of specialist officers. The appointment of specialist officers must depend on the circumstances and resources of individual local authorities.

466. When statements are made or explanations given on an authority's policies at meetings with the press and other bodies, this should generally be done by members of the management board and not by the Clerk or other principal officers. This does not of course mean that the Clerk, principal officers and the officer charged with responsibility for public relations should not themselves issue statements, or hold press conferences. It is a matter of degree; the more significant the topic the more emphasis should be placed on management board members being seen to be responsible.

467. *Local Government Information Office.* Local authorities will make their own arrangements for press relations, publicity and information but there remains the question of the provision of facilities for local government as a whole. In 1946 a consultative committee on publicity for local government was established to advise the Minister of Health and the local authority Associations on general questions of local government publicity. In its final report¹¹⁴ in 1950 the committee said that there was not sufficient justification for a central advisory body on publicity for local government and did not feel able to recommend that one should be set up.

468. Only recently, and on the initiative of the four main local authority Associations, the Local Government Information Office was established to provide a centre for the dissemination of information, to assist the Associations in their public relations and information policies, and to try to create generally a better understanding of local government, its structure and its functions. The Office is governed by a management committee on which representatives of the four Associations serve. The work of the Office is divided into three sections:—

- (a) public press relations;
- (b) editorial services;
- (c) publicity services.

The task of the Office is to provide positive material showing what is happening in local government and the way it serves the people. The Information Officer believes that this will eventually do much to counter some of the extreme and uninformed criticism which local government has to suffer. Besides dealing with press, radio and television the Office handles enquiries from individual members of the public, politicians, students and other specialists. Its advice and assistance are made available to those local authorities desiring help on problems of public and press relations.

469. Efforts at the local level to establish closer contacts between the public and the council need to be supplemented at the national level. Just as there is a need for the individual local authority to be intelligible to its electorate, so local government as a whole should be intelligible to the public at large. The Local Government Information Office has a part to play both in the national setting and in helping local authorities to help themselves.

470. In Chapter 4, paragraph 311, we recommend that the local authority Associations should set up a Local Government Central Office. We recommend that the Local Government Information Office be part of the Central Office and contribute to the presentation of the unity of local government.

SUMMARY OF RECOMMENDATIONS

- (47) As part of any re-organisation of the structure of local government, councils should not have more than 75 members, and this should be regarded as the maximum figure for the largest authorities (paragraph 332).
- (48) Electoral wards should each have a single seat (paragraph 336).

¹¹⁴ Publicity for local government. Final Report: paragraph 42.

- (49) There should be amending legislation to abolish the aldermanic system (paragraph 353).
- (50) Local authorities should make greater use of the co-option of additional members to committees (paragraph 366(a)).
- (51) If use is made of co-opted members, then at least two-thirds of each committee should be elected members of the local authority (paragraph 366(b)).
- (52) Co-opted members should continue to have the right to vote (paragraph 366(c)).
- (53) Each candidate at a local government election should be allowed one free postal delivery of election material (paragraph 400).
- (54) In all authorities, councillors should retire together and the system of triennial elections should be applied in all types of local authority (paragraph 412).
- (55) The local authority Associations should together examine the implications of holding simultaneous local elections throughout the country (paragraph 418).
- (56) There should be an additional alternative qualification for election to a local authority, namely that the person should have had a principal place of work within the area of the authority during the whole of the 12 months preceding the election (paragraph 425).
- (57) Schools should explore every means of associating themselves with the life of the community, and local authorities should welcome and encourage efforts by the schools to play their part (paragraph 430).
- (58) Schools should make the preparation of older children to play an active and useful role in their communities in adult life an important element in the curriculum; schools should consider how they may develop in their pupils an understanding of the community's physical and social environment and the way its needs are met, and of their responsibilities to it (paragraph 431).
- (59) The syllabus for the training of teachers should include a course of study in the role of local authorities in shaping the physical and social environment and in the way local authorities carry out their functions (paragraph 432).
- (60) Closer relationships should be developed by local authorities with voluntary organisations to supplement the work of the authority and to assist in the association of the community with that work (paragraph 435).
- (61) Local authorities should institute open meetings at which the public can meet leaders of the authority and discuss and ask questions about important matters of general interest (paragraph 438).
- (62) Local authorities should set out major proposals or issues in council papers as public documents (on the analogy of 'White Papers') with a wide circulation and well in advance of debate in the council (paragraph 439).

- (63) Local authorities should give high priority in Standing Orders to Question Time and to time for debates on Motions so that members may obtain information publicly, challenge the actions of the management board and engage in debates on topics of their own choice (paragraph 440).
- (64) Local authorities should ensure that arrangements at the council offices are such that the public can gain access to responsible officers to raise matters which affect them personally; these arrangements should include the availability of officers with the capacity to deal with people's problems and the competence to give answers; there should also be provided facilities which enable people to be properly received and directed (paragraph 441).
- (65) Local authorities should ensure that there are arrangements whereby the public can be put in touch with members if they cannot obtain satisfaction from the authority's officers (paragraph 442).
- (66) Local authorities should admit the press to meetings of committees which have the functions explained in Chapter 3 but it should remain within local authorities' discretion to decide whether or not to admit the press and to decide whether and to what extent agenda and supporting documents should be circulated to the press (paragraph 462(a)).
- (67) Local authorities should regard the press as partners in the process of informing and educating the public (paragraph 462(b)).
- (68) Local authorities should appreciate the difficulties which face the press (e.g. limitations of time and the variable calibre of reporters) and should come to mutually convenient arrangements for the handling of material (paragraph 462(c)).
- (69) Local authorities should provide adequate facilities for the press such as press rooms and access to, and free use of, telephones (paragraph 462(d)).
- (70) Local authorities should use the opportunities which occur to publicise their achievements and explain their policies on radio and television (paragraph 464(a)).
- (71) Local authorities should ensure that whoever appears on their behalf on radio or television is able to make full and effective use of these media (paragraph 464(b)).
- (72) The Local Government Information Office should be part of the proposed Local Government Central Office and should contribute to the presentation of the unity of local government (paragraph 470).

CHAPTER 6

Elected Members

INTRODUCTION

471. We believe that the responsibility placed on local authorities will increase if only because of the problems arising from the growth of population, from the spread of wealth and from changing conditions of a society which is determined to be more civilised and more just. In Chapter 3 we stress the need to ensure the effective and efficient management of local affairs under the control and direction of elected representatives; we emphasise that local authorities must be so organised and led that decisions are effectively reached and expeditiously carried out. In Chapter 4 we argue that local authorities should have a much wider discretion in the management of local affairs than they are at present allowed. Against this background we must seek to describe the people who now serve local authorities, consider why they do so, and establish why certain people are deterred from serving their local communities and how some of these deterrents may be removed.

472. Although there have been local studies of elected members in particular local authorities, before our appointment there had been no general investigation of members in all types of local authority and in all parts of the country nor of the attitudes of the public towards local government. This omission is made good in the reports of the Government Social Survey on the local government councillor and elector.¹ Its findings are supplemented by the studies in depth in a restricted number of areas set out in the research reports, by the written and oral evidence we have received and by our own observations.

473. In this chapter we are concerned with the members as people, with their characteristics and qualities, and not with their functions and the part that they play in the internal organisation of the local authorities. In drawing attention to the findings of the Social Survey and of the research reports, we emphasise that generalisations conceal great individual differences.

474. In England and Wales there are 1,417 local authorities other than the Greater London Council, the London borough councils and the parish councils;² on them serve 40,504 members distributed as follows:—³

County councils	4,912
County borough councils	5,049
Non-county borough councils	6,887
Rural district councils	14,805
Urban district councils	8,851

The research report stresses that the recruitment of candidates is a problem in almost all the authorities visited by the research workers; 'in some areas it was difficult if not impossible to find sufficient people of even the minimum calibre considered adequate willing to accept nomination'.⁴ In 1964 over half the seats

¹ Volume 2, The local government councillor; Volume 3, The local government elector.

² On 1 July 1966; there are 34 authorities in Greater London with 2,468 members.

³ From information in the Municipal Year Book 1967.

⁴ Volume 5, Chapter 3, The council members: paragraph 114.

for county councils and over two-thirds of those for rural district councils were uncontested; in 1961 the proportion of uncontested seats was even higher.⁵ The research report remarks that 'it seems likely that about one in three of county councillors and about one in two of rural district councillors have never had to fight an election'.⁶ The proportion of uncontested seats in the boroughs and urban districts is very much lower, but the research report refers to an anxiety, even here, to recruit good enough candidates or in some cases to find any people at all who are willing to stand as party candidates for wards where they have scant hope of success.⁷

475. There is a lack of competition amongst people to become candidates for election to local councils and this absence of competition is most marked in rural areas. Who, then, are the people who do become members?

WHO THEY ARE

476. It is clear from the findings of the Social Survey that members do not reflect the community in terms of age, sex, occupation or education. Members tend to be drawn from the older sections of the population; their average age is 55 and that of women members is somewhat higher. Over a quarter of the adult male population are in the 21-34 age group but only a twentieth of men members are of this age. Over half the men members, but less than a third of the adult male population, are over the age of 55. Members of rural district and county councils are on the average even older as are the aldermen. Comparatively few women serve on local authorities; over half the adult population are women but only about 12% of members are women.⁸

477. A fifth of all members are retired people but the proportion of retired people who are members of rural district and county councils is significantly higher. The Social Survey examines the occupations of men members over the age of 25 and compares them with those of men over 25 in the general population. There are marked contrasts. For example, employers and managers, and farmers and professional workers, occupy a larger proportion of seats in the councils than their proportion in the general adult male population. But the converse is true of skilled and unskilled manual workers.⁹ Compared with members of Parliament, members of local authorities have a higher proportion of employers or managers and a much higher proportion of farmers. But the House of Commons has a much higher proportion of 'professional' and 'intermediate non-manual' workers.¹⁰

478. Members of local authorities are, on the average, better qualified than the electors whether in terms of GCE passes, teachers' certificates, professional qualifications or degrees. The younger the member the higher on the average is the level of qualification held.¹¹

⁵ Chapter 5, Table 5/2.

⁶ Volume 5, Chapter 3. The council members: paragraph 117.

⁷ Ibid: paragraph 118.

⁸ Volume 2. The local government councillor. Tables 1.1 and 1.2 and Chapter I, page 16.

⁹ Ibid. Table 1.7.

¹⁰ Ibid. Table 1.10.

¹¹ Ibid. Tables 1.15 and 1.19.

479. Members tend to be immobile; usually they have been born or have lived long in or near the areas which they represent. The Social Survey finds that nearly two-thirds of members claim that they have lived for more than 25 years in the area they represent whereas no more than half the electors say that they have lived in their council area for this length of time. Nearly two-thirds of members work in the area of the authority they represent. Members of local authorities who are unskilled and semi-skilled workers have lived longest in the areas of their authorities and three times as many members in the 'professional' group as other members have lived in their areas for five years or less.¹² In the general population, mobility is greater amongst the 'professional' group, the better educated and the young.¹³

DEMANDS ON MEMBERS' TIME AND ENERGY

480. Members say that they spend a little over 52 hours a month, on the average, on all their public activities. Of this time, 11½ hours are spent in attendance at council and committee or sub-committee meetings, but a further 18 hours are said to be spent in preparation for the meetings, in attending meetings of party groups and in travelling to and from meetings. Seven and a half hours are said to be spent in dealing with electors and their problems.

481. These averages conceal considerable differences between the total time spent by members of county or county borough councils and the time spent by members of other types of authority. For example, on the average, county and county borough council members say that they spend nearly 70 and over 76 hours respectively on their public activities of which nearly 37 hours and 47 hours respectively are spent in attendance at, in preparation for, and in travelling to and from, meetings.¹⁴

482. Not only are differences found in the time spent by members in different types of authority but also marked differences between the time spent by members of different economic groups. Members who are manual workers spend more time on public affairs than other groups. Members with least education and lower incomes spend more time on committee work and on dealing with electors than other members though the differences are smaller than those between types of authority or economic groups.¹⁵

483. The number of committees on which a member sits is not necessarily a measure of the time he devotes to council work. On the average, members sit on six committees (including sub-committees). The Social Survey finds that over 40% of county and county borough council members sit on nine or more committees and a third of rural district council members sit on two or less. Aldermen sit on more committees than councillors; over a quarter of them say that they attended 50 or more meetings in the six months covered by the Social Survey. At the other extreme only 6% of the councillors who were unopposed at

¹² Ibid. Tables 1.21, 1.23 and 1.25.

¹³ Ibid: page 53.

¹⁴ Ibid. Table 3.1.

¹⁵ Ibid. Table 3.1.

the last election attended this many.¹⁶ Manual and agricultural workers are members of more committees than members in other occupations and it is they who apparently spend most time on public work.¹⁶

484. No generalisations can be made on the length of committee meetings. The research report finds wide variations but meetings of housing and children's committees of between two and three hours' duration are common and meetings of housing committees lasting over four hours are not unknown.¹⁷ Members are faced with quantities of paper to read, but the figures produced in the research report show the wide variations in practice ranging from 225 to 1,000 sides of paper a month for the largest county borough councils to four to 80 sides of paper a month in the smallest rural district councils.¹⁸

485. It is apparent that the demands on the members of county and county borough authorities are considerable and that generally the larger the authority the greater the demands will be.

HOW AND WHY THEY BECOME MEMBERS

486. Although members can claim expenses and can be reimbursed for loss of earnings as a result of their council work, they are not paid a salary. We have given some indication of the demands made on their time by this unpaid public service. It is not altogether surprising therefore that there should be difficulty in finding candidates. As to how candidates are found, the Social Survey indicates that members are first brought into touch with local authority work by a variety of means. A third of all members say that they were asked to stand by political parties. In county boroughs and in the (then) metropolitan boroughs, between two-thirds and three-quarters of the members come into their local authorities in this way. About one-third of all members say that they were asked to stand for election by private people or by members on a personal basis rather than by organisations.¹⁹

487. The proportion of members having family association with local authority work is relatively small but a majority of members have connections with council work through their personal friends.²⁰ Nearly two-thirds of all members are members of political parties. Employers and managers in small or large organisations are much less likely to come in through the influence of party politics than manual workers and other non-manual, non-professional, workers. Nearly half the manual worker members are brought into touch with local authority work by political parties and a third by trade unions. Were it not for the political parties and the trade unions there would be few manual workers on local authorities. The younger members (i.e. those under 45) are more likely to have been brought into contact with local authority work through political parties and unions and less so through religious, welfare and civic groups, than

¹⁶ *Ibid.* Tables 3.4-6 and page 99.

¹⁷ Volume 5. Chapter 2. Council and committee structure and Appendix A. Tables XV-XIX.

¹⁸ *Ibid.* Chapter 10. Agendas, minutes and reports and Appendix A. Table XXIII.

¹⁹ Volume 2. The local government councillor. Table 2.10.

²⁰ *Ibid.* Tables 2.1 and 2.2.

the older members (over 65).²¹ Were it not for the political parties and unions there would be even fewer of the younger section of the population serving local authorities than there are now.

488. Over three-quarters of members say that they were asked to stand; a minority, apparently, themselves had the idea of standing.²² There seems to be no dominant reason for asking people to stand although contributions to party or trade union activity are said to account for nearly a quarter of county borough and for a third of the old metropolitan borough council members.²³

489. Of those who have been asked to stand, over three-quarters say that they thought little or not at all about becoming members of the council before being asked to stand.²⁴ There is no dominant factor in the minds of members which they think influenced their decision to stand. A feeling that some specific situation should be dealt with, or that some specific issue needs pleading, or the feeling that the interest of particular groups is under-represented on a council, motivates more than a quarter of members.²⁵ But a tenth of rural district council members say that they were the only suitable candidates.

SATISFACTIONS OF COUNCIL WORK

490. We are faced with a paradox. On the one hand a high proportion of members serve their authorities for long periods; this indicates some contentment with the work. On the other hand, it is difficult to persuade new people to take up local authority work and, even when they do, in each three-year period a fifth of members decide not to seek re-election.²⁶ The Social Survey asked members what personal characteristics are necessary to make a good member. Over a third say that the most important is the quality of sociability; that is being broadminded, patient, having a sense of humour and a pleasant personality and being a good mixer; less than a fifth cite intellectual qualities and less than a tenth education, specialised knowledge, qualifications and organising ability. On the other hand a quarter cite integrity and leadership.²⁷ This perhaps gives some clue to the satisfactions obtained by members from their council work.

491. Over half the county borough council members say that they get more satisfaction out of their council work than they do from their daily occupations but only 15% of the rural district council members feel this way.²⁸ The Social Survey finds that with advancing age there is a decreasing tendency to find occupations more satisfying than council work; among the middle aged members, council work becomes more satisfying than their occupations.²⁹ We find it of some significance that about one-eighth of members who are employers, managers, professionals and farmers find council work more satisfying than their occupations, but about two-thirds of members who are manual and agricultural

²¹ Ibid. Tables 2.5, 2.7 and 2.9.

²² Ibid. Table 2.10.

²³ Ibid. Table 2.18.

²⁴ Ibid. Table 2.19.

²⁵ Ibid. Table 2.21.

²⁶ Ibid. Table 9.3.

²⁷ Ibid. Table 2.27.

²⁸ Ibid. Table 4.11.

²⁹ Ibid. Table 4.12.

workers find this so.³⁰ As the Social Survey remarks, for members whose jobs are more routine and offer less scope, council work is clearly more often a means of obtaining satisfactions not offered by their occupations. The Social Survey ventures the generalisation that young members in interesting and progressive jobs see council work as a kind of supplement in their lives, middle aged members in more routine and undemanding jobs may see it as a compensation and retired people who are members may see it as a substitute.

492. The Social Survey comments that nearly two-thirds of the main satisfactions of local authority work relate to some particular council activity; housing and old people's welfare account for over half these particular activities; education matters are a sizeable source of satisfaction in county and county borough authorities.³¹ Over a third of all members prefer work which relates to individual people rather than broad policy matters, and about half the women members feel this way.³²

493. The research report draws attention to the correlation which once existed between social prestige, occupational status, wealth and political service, and remarks that to attain one means to enter a social group likely to lead to others.³³ 'The linkages are now far less obvious'; it appears doubtful whether prestige is a significant satisfaction for a member of a local authority. There is the satisfaction of giving service to the community; this cannot be measured but we believe that it is an important factor. We believe that many members sincerely feel that they are making a significant contribution to the community by their involvement in the work of the authority. The research report quotes a principal officer as saying that meetings are more like 'club' evenings; the report suggests that the 'club' aspect of attendances at committee meetings can be especially important for the retired and the leisured.³⁴ It does not surprise us that, for those whose occupations are dreary or are carried out in unpleasant conditions, the atmosphere of the committee rooms, together perhaps with the amenities which may be provided, the 'club' feeling, the sense of involvement and the stimulus of debate and argument are satisfactions in themselves.

FRUSTRATIONS OF COUNCIL WORK

494. The Social Survey finds that nearly half the members claim that the most unsatisfactory feature of their local government work is attributable to matters of administration and not to particular council activities and these administrative frustrations are connected in particular with relations with central government and the county council. Delays, slowness and inability to get things done are not far behind. But the way in which the council organises its work is rarely named as a source of dissatisfaction in any type of council; and party politics are mentioned by only 8% of all informants in this context.³⁵ We stress however that in posing this question to members, the implications of time spent on council work were not included.

³⁰ *Ibid.* Table 4.13.

³¹ *Ibid.* Table 4.1.

³² *Ibid.* Tables 4.2 and 4.3.

³³ Volume 5, Chapter 3. The council members: paragraph 72.

³⁴ *Ibid.*: paragraphs 80 and 81.

³⁵ Volume 2. The local government councillor. Table 4.5.

495. Nearly a quarter of members think that their private lives suffer because of their council work but the percentage is highest amongst county borough council members who, as we have shown, put in most time. Nearly 40% say that council work makes no difference to their private lives and over a quarter think that they are helped by it.³⁶ Manual workers have the biggest proportion of members who claim that they suffer as a result of council work.³⁷ Yet it is these people who are least likely to give up council work and who spend most time on it.

496. The research report emphasises the consuming interest of members in matters of detail and in matters affecting individuals and refers to the 'illusion' which many members have that they are contributing to the work of the authority when in fact they are 'doing nothing'.³⁸ We believe however that there is a small minority who like to reach decisions quickly and who think in terms of broad development rather than personalities, and to these council work as at present organised can be frustrating.

WHY PEOPLE LEAVE LOCAL GOVERNMENT

497. The Social Survey calculates that 18% of members decide to give up local government work in every three year period and a substantial proportion of those who decide not to seek re-election do so after serving as members for very limited periods.³⁹ It is of some importance that there is a higher than average turn-over amongst the young members (that is those under 35). The turn-over rate is lowest among county and county borough council members who, it will be remembered, spend most time on public duties. The turn-over rate is highest among professional and self-employed workers. As the Social Survey points out, it does not seem that time spent on council work has much effect on the tendency for members, from some groups at least, to abandon their local government work.⁴⁰

498. In spite of the fact that about a fifth of members give up local government work in every three year period, only a small percentage of sitting members say that they intend to give up council work in the near future.⁴¹ Of those who think that they may give up council work, nearly two-thirds advance personal reasons. The greater part of the personal reasons is ill health or old age, but a significant proportion described these personal reasons as interference with business and family life and a few as the time involved (which may amount to the same thing).⁴² The interference with business and family life together with the time involved are quoted particularly by members under the age of 45 and particularly by members who are employers, professionals and farmers.⁴³

³⁶ Ibid. Table 4.6.

³⁷ Ibid. Table 4.7.

³⁸ Volume 5, Chapter 3. The council members: paragraph 83.

³⁹ Volume 2. The local government councillor. Table 9.5.

⁴⁰ Ibid. Table 9.6.

⁴¹ Ibid. Table 9.11.

⁴² Ibid. Table 9.15.

⁴³ Ibid. Tables 9.16 and 9.17.

499. Of those ex-members who have resigned or have declined to stand again, nearly one-third give as reasons age, health or strain and about a third give as reasons the time involved, or financial, business or domestic factors.⁴⁴ If ex-members under the age of 65 are taken, these latter factors influence 40 % of them. Employers and managers in the larger firms and professional workers are less likely than others to have given up because of the time involved and more likely because of frustrations of party politics or other aspects of local government organisation. This factor is more likely to have affected those who have served the shortest time.⁴⁵ It is notable that two-thirds of ex-members think that members should not be paid⁴⁶ and most ex-members take the view that local authorities' work can be better done without party politics.⁴⁷

500. The Social Survey asked members and ex-members what in their view raises the most serious problem for local government. Over a quarter in each case think that getting enough good people to stand is the most serious factor; the next most serious factor in members' and ex-members' minds is the time involved. The effects on income or occupation are put forward by only 7 % of members and 4 % of ex-members. Party politics are advanced by 7 % of members and 11 % of ex-members.⁴⁸ When asked why they think some people cease to be members, over a quarter of members and ex-members quote financial and business reasons. Lack of time, which may be much the same thing, is quoted by 12 % of members and 4 % of ex-members respectively.⁴⁹

WHY PEOPLE ARE RELUCTANT TO BECOME CANDIDATES

501. We have pointed to the proportion of uncontested seats and the difficulties which exist in finding candidates to stand for local authority elections. The Social Survey reports show some of the reasons which members, ex-members and the public think are valid. Members and ex-members think that lack of time is the major reason but financial and business reasons are thought to be significant factors and these may amount to much the same thing as lack of time.⁵⁰ The influence of party politics is thought to be a reason by 8 % of members and 13 % of ex-members.

502. A somewhat different point of view is advanced by the electorate. A quarter of the sample say that lack of time is the main reason for not wanting to become a member; this is the main reason given by employers, managers, professionals and farmers but it is very much less significant amongst the semi-skilled and unskilled manual workers. A third of the sample give lack of confidence (covering a variety of factors) as the main reason for not wanting to stand and over half those who are in the semi-skilled and unskilled manual worker groups take this view.⁵¹ It is notable that the higher the education level of the elector the more he blames lack of time as the main drawback to being a member.⁵²

⁴⁴ *Ibid.* Table 9.22.

⁴⁵ *Ibid.* Tables 9.25, 9.26 and page 258.

⁴⁶ *Ibid.* Table 9.49.

⁴⁷ *Ibid.* Table 9.53.

⁴⁸ *Ibid.* Table 9.59.

⁴⁹ *Ibid.* Table 9.61.

⁵⁰ *Ibid.* Table 9.60.

⁵¹ Volume 3. The local government elector. Tables 169 and 171.

⁵² *Ibid.* Table 172.

503. When asked what in their view is the one most important thing that might attract people into local government, nearly a quarter of the answers from the electorate sum it up as the provision of more publicity and a little over a tenth as greater financial incentives. Only 3% say that local government should be non-political.⁵³

504. In some areas there exists we believe a cleavage between the social and economic leadership and the political leadership. Some support for this view is given in an unpublished study⁵⁴ arising from a survey amongst 75 economic and social notables in a large southern city who are active in various forms of voluntary work, who are considered to be influential but who are not members of the council. The author finds that those who 'enter into an established, largely inherited, position amongst the social leadership find themselves drifting, through the medium of their friends or of friends of the family or of their own relations, into membership of, and office in, a variety of institutions usually of a charitable and welfare nature' . . . 'The community accepts—and their own social circle expects—this activity'. They find it more congenial to be with their own kind in fields of voluntary work and by implication they find elements in the council, its mode of recruitment and its way of life less congenial.

505. The Social Survey draws attention to a pool of people who say that they will 'definitely', or 'might', stand for the local council and this amounts to 8% of the sample.⁵⁵ Perhaps too much significance should not be attributed to such statements of intention. These potential members are predominantly male and they are much more likely than members to be under the age of 44. Nearly a third of these potential members come from the groups of managers, employers, professionals and farmers but this is a substantially smaller proportion of these groups than for sitting members. Over 20% of the potential members are junior non-manual workers and this is a higher percentage of these groups than exists among the sitting members.⁵⁶ These potential members see lack of time in all its aspects as the main drawback to being a member, followed by lack of popularity and then personal inconvenience.⁵⁷

CALIBRE OF MEMBERS

506. The material we have presented so far is an attempt to summarise facts or the opinions of people on questions to which a firm rather than speculative reply can be given. It is frequently said that the quality of members has declined. We are not clear how quality can be measured nor have we any yardstick by which to compare the present with the past. If quality can be measured in terms of degree of responsibility in every day affairs, of income and of education, then the average level of the members is higher than that of the average in the general population. Those who occupy responsible positions in every day affairs or who

⁵³ *Ibid.* Table 177.

⁵⁴ R. V. Clements: 'Why prominent citizens of a large southern city avoid service on the county borough council' (an unpublished study).

⁵⁵ Volume 3. The local government elector: page 133.

⁵⁶ *Ibid.* Tables 189, 190 and 192.

⁵⁷ *Ibid.* Table 205.

are members of the professions are, in proportion to their number in the general population, occupying more seats in the councils. Members are older than the general population but age is not a symptom of poor quality nor youth of something better. These are quantitative measures of facts; they do not measure qualities of judgment, personality, leadership or sympathy.

507. The research report draws attention to the considerable body of opinion which is critical of the ability and calibre of members. We believe that it is not so important to try to determine whether there has been a decline in the quality as to face the fact that increasing demands are being made today on members in understanding technical, economic and sociological problems.

508. Some witnesses argue in written evidence that councils should be more representative of the electorates they serve. It is neither possible, nor in our opinion is it desirable, that councils should in some way be representative of all the varying interests, economic groups, income or education levels in the community.

509. There is little to be gained by identifying a list of human virtues and saying that their amalgam represents the elected member who should be sought. The Royal Commission on Local Government in Greater London said that 'a high standard of intelligence, experience, personality and character should be aimed at and can be legitimately hoped for'.⁵⁸ Political parties, organisations and individuals who influence people to stand as candidates for election should no doubt be discriminating in approaching and selecting candidates; but the ultimate factor will be the ability of local authorities to attract people to their service who have these characteristics.

510. The overriding aim must be to recruit people of integrity for without this the work of local government will be discredited.

511. The qualities of the member should be related to what he is expected to do. In Chapter 3 we explain our view of the function of the member in local government. The qualities required for the functions we have in mind are:—

- (a) The capacity to understand sympathetically the problems and points of view of constituents and to convey them to the authority and, at the same time, to interpret and explain the authority's policies and actions to those whom they represent. These, we believe, are the qualities of the good representative.
- (b) The capacity to understand technical, economic and sociological problems which are likely to increase in complexity.
- (c) The ability to innovate, to manage and direct; the personality to lead and guide public opinion and other members; and a capacity to accept responsibility for the policies of the authority.

512. We would expect all members to be good representatives in the sense explained in paragraph 511(a) but not all to have the qualities set out in (b) and (c). But the aim should be to have a nucleus of members with these specific abilities. We believe that these qualities are not dependent on education or social background but can be discovered in all levels of society.

⁵⁸ Report of the Royal Commission. Cmnd 1164: paragraph 235

513. In one respect we can be more precise. We are anxious about the high average age of members. The contribution of members is not necessarily diminished with age, but the presence of too many elderly members may deter young people from standing for election. The research report stresses the deference shown to the aged in some local authorities.⁵⁹ Age may well bring maturity of judgment and the weight of experience; but the elderly are less likely to introduce innovation and to understand new techniques or be able to respond to social and economic changes.

514. The emphasis should, we believe, be on encouraging the younger members of society to stand for election and on encouraging them to stay in local government. We recommend that there should be legal provision that a person aged 70 or over is disqualified from standing for election to a local authority.

FACTORS AFFECTING RECRUITMENT OF MEMBERS

515. Our terms of reference require us to consider how local government can best continue to attract and retain people of the calibre necessary to ensure its maximum effectiveness. To this end we have put forward a pattern of internal organisation, and have re-defined the functions and responsibilities of members and officers so that both may find local authorities effective and efficient bodies with which to be associated. We have urged that there should be greater trust in local authorities, that they should be treated as responsible bodies and have a wider range of discretion. We have stressed the need for local authorities to be responsive and for a closer relationship to be established between local authorities and the public which they serve. These recommendations will, if followed, help to create a new image of local government. But we cannot say with any certainty that they will attract people with the qualities we have mentioned in paragraph 511. All we can say is that without the changes we have proposed the chances of attracting them will be diminished.

Time factor

516. This was quoted as the most serious deterrent to service and a major reason for members declining to stand again for election. But the time factor covers a number of attitudes. It may be a matter of affording time in the sense of loss of income or of business opportunities or promotion prospects; it may be a matter of sparing time in relation to other demands, social or domestic; it may be a matter of unwillingness to waste time on what seems unimportant or on useless procedures. It may be a matter of unwillingness of employers to give employees time off for council work. Time is a valuable element but its use reflects value judgments on how it should be spent.

517. We have shown that some members put in much more time on council work than others and that amongst sitting members the expenditure of time is not viewed with such concern as it is by those who have left local government or who are voicing reasons why they and others do not seek election. Some types of authority, partly because of the extent of their responsibilities, use members' time more lavishly than others. People are affected and will be increasingly

⁵⁹ Volume 5, Chapter 3. The council members: paragraph 9

affected by the distractions of the affluent society. There is so much more to do and more to amuse; increasing wealth provides opportunities for the gratification of new found tastes. This must be recognised. Local government should not be a hobby for those whose jobs are routine, dull or unpleasant. Instead, it should be an attraction to those whose time is valuable but who are interested in giving a portion of it to public service.

518. Local authorities should so organise their procedures that the minimum demands are made on members' time. The approach we adopt in Chapter 3 is to stress that responsibility for day-to-day administration of an authority's affairs should not be regarded as part of the functions of the members and, as a corollary of this, that committees, which use members' time so extravagantly, should not concern themselves with problems of administration and should not take executive decisions. Members should be left free to develop an interest in and understanding of the major issues facing the local authority and to concentrate on their role as good representatives of the electorate. We believe that this will save the time of the generality of members although our proposals will mean that members who are chosen to serve on management boards will be more deeply involved and this we have recognised by recommending the payment to them of a part-time salary.

Mobility

519. It has been shown that members tend to be immobile, to have lived long in or to have been born in or near the areas which they represent. Mobility in the general population is greater among the professional groups, the better educated and the young. Members who are unskilled workers or semi-skilled, and who are less well-educated, have lived longest in the areas of their authorities. There is an increasing tendency for people who live in the area of one authority to work in the area of another. The place where they work is of equal if not greater importance than the place where they live yet, generally speaking, they cannot qualify as candidates for election without a residential qualification. In Chapter 5, paragraph 425, we recommend that a person should be able to stand for election in the local authority where he has his principal place of work.

Party politics

520. Although party politics play an important part in attracting some people to serve as members of local authorities, they cause resentment amongst some sitting members, are influential in causing employers, managers and professional workers to leave local government and prompt a majority of ex-members to say that the work of local government can be better done without their influence. Yet only a very small element amongst the electors think that local government should be non-political.

521. In our view party politics will continue to deter independent minded people from serving local authorities. This is a matter for regret, but we see no way of removing the influence of party politics from the local government scene nor do we wish to remove it.

522. We suggest in Chapter 3, paragraph 237, that management boards should include members of minority parties. In Chapter 5, paragraph 400, we recommend that there should be a free distribution of election material to encourage independent candidates to stand. These recommendations may help to reduce the influence of party politics in local government and encourage those who are not party members to serve local authorities. But party organisations should be clearly aware of their responsibilities to the public and to local authorities in the selection of candidates who, if elected, represent both those who vote for them as well as those who do not. It is on the selection of candidates by the political parties that the well-being and vitality of local government are in large measure dependent.

Training

523. In paragraph 507 we stress that the question of the possible decline in the quality of members is less important than the ability of members to understand scientific and technical developments of the present age. We see in this a danger of a widening gulf between the expertise of the professional officers and the limitations of the lay-man; this leads to an excessive preoccupation of the member with the more simple things which he does understand than with developments in which he is uninitiated. Training of members will not give them professional expertise; if well done it can help to give an understanding and appreciation of scientific and technical developments which form the basis of policy decisions. Local authorities should regard it as their responsibility to ensure that their members are well informed on scientific and technical developments and on research into social problems as well as having an understanding of government and management. We recommend that the local authority Associations seek the establishment at universities and colleges of training courses for council-members.

Financial hardship

524. We have already submitted an interim report on allowances⁶⁰ and this is reproduced in Appendix D; we summarise the recommendations below:

- (a) Salaries should not be paid to elected members.
- (b) A more liberal interpretation should be placed on 'approved duty'.
- (c) The rates of travelling allowance within the local authority area should be
 - (i) paid on a simple quarterly basis without the need for supporting details;
 - (ii) decided by the local authorities themselves.
- (d) Travelling allowance for a duty journey outside the local authority area should be the subject of a specific claim by the elected member.
- (e) Local authorities should decide for themselves the rates of subsistence allowance for duties outside the local authority area.

⁶⁰ Interim Report on the Allowances of Elected Members of Local Authorities HMSO, May 1966. Sir Andrew Wheatley wrote a note of dissent.

- (f) Local authorities should be free to prescribe an annual flat expenses allowance which should be payable on demand quarterly; the expenses allowance should be determined by the local authorities themselves.
- (g) The local authority Associations should undertake responsibility for advising their constituent authorities on appropriate scales of allowances.
- (h) The expenses allowance prescribed by each local authority should be published and a book should be kept which should be open to public inspection so that anyone may see which members of the council claim the allowance in whole or in part and how much they claim.

525. We see no reason to alter the recommendations which we made in our Interim Report. In that Report we reserved our position on the payment of council and committee chairmen. In Chapter 3, paragraph 217, we recommend that members of the management board should be paid part-time salaries. We do not think it necessary to make recommendations on the payment of chairmen of committees.

Release from employment

526. Related to the question of the financial cost of being a member is that of release from employment for service in a local authority. This issue occupies the attention of a number of witnesses submitting written evidence. Release from employment will not concern the many members who can order their own daily time-tables. When times of local authority meetings clash with normal hours of employment, some people are unable to serve because either:

- (a) employers are unwilling to release them;
or
- (b) employers are unwilling to make up the difference between the pay which would otherwise have been earned and the financial loss allowance;
or
- (c) the employees themselves feel that their careers are prejudiced by their absence on council business.

527. We asked the British Employers' Confederation (now merged with the Federation of British Industries in the Confederation of British Industry) and a number of nationalised industries and public corporations what their policy was on release from employment for service in local government. The Confederation was inclined to the view that employees may suffer as a result of persistent absence on public service. Although nationalised industries and public corporations allow their employees time to attend local authority work, it is admitted by some that absence can be detrimental to the careers of their employees who are council-members.

528. We are not in a position to assess to what extent the issue of release from employment is a serious difficulty for members nor to what extent it is a significant deterrent to people who might otherwise consider offering themselves as candidates. The Social Survey has no direct information on this issue.

529. We have not favoured the idea of the full time salaried member. There must therefore always be occasions when civic work and private interest conflict and whatever arrangements are made it will not be possible to ensure that no employee suffers in any way as a result of serving as an elected representative in local government.

530. Although we would like to see employers becoming, or continuing to be, sympathetic to the release of their employees to serve on local authorities, we appreciate that small firms find it difficult to release their staff and indeed large firms also may find it difficult to release key-personnel particularly if the demands of local authorities are excessive or unreasonable.

531. Our conclusions are that:—

- (a) Nothing can be done to compel employers to release employees for local authority work.
- (b) The period of release must be related to the needs of the authority, but at the same time be reasonable having regard to the interests of the employers.
- (c) There must always be some risk of loss of promotion chances for the employee who serves in local government; it is not possible to provide for this and the risk must be assessed by the employee himself.

532. We recommend that:—

- (a) Employers accept that the release of their staff for work as members of local authorities is in the public interest.
- (b) Employers who do grant release to their employees for work as members of local authorities allow their release for at least 18 days a year.
- (c) The period of release should not be deductible from any holiday entitlement of the employee.

Times of meeting

533. The Social Survey finds that there are big differences in the times at which meetings start in the different types of authority. In county councils over two-thirds of all meetings start in the morning and most of the rest in the afternoon. In the county borough councils most start in the afternoon while in urban district councils two-thirds of the meetings start after 6.30 p.m. Meetings which take place earlier in the day are more likely to be attended by older members; but older members are more often to be found in county and rural district authorities. Travelling distances are clearly of importance in accounting for the number of day-time meetings. There is a close relationship between membership of committees which start their meetings at different times of the day and the members' own working arrangements. Evening meetings are more likely to be attended by those working away from the council area or by those working full time, whilst morning meetings are more likely to be attended by those working in the council area. The Social Survey suggests that by setting the times for the meetings members are to some extent also deciding what kind of people attend them. The research enquiry contains a detailed analysis of starting times of meetings.⁶¹

⁶¹ Volume 5. Appendix A. Tables X-XII.

534. The greater part of the written evidence which deals with this subject favours evening meetings. The arguments are that:

- (a) day-time meetings make it difficult for employees to attend;
- (b) day-time meetings favour the farmer, the self-employed and the retired, and discriminate against the young, and the wage or salary earner;
- (c) evening meetings are an inducement to people to serve in local government and to take an interest in its work.

535. The research report remarks that a member's occupation is clearly an important factor in determining the times of meetings he can attend or his preference for meetings at a particular time of the day.⁶² The report quotes a view of principal officers in a rural district that day-time meetings eliminate most of the professional workers and the wage earners.⁶³ There is also a view that members are fresher and deal with business more expeditiously during the day time.⁶⁴ The most important point is, however, that the time of meetings of the authority is a principal determinant of the composition of membership of the council.

536. Our conclusions are that:

- (a) in urban areas evening meetings are more likely to encourage younger people to take part in local government;
- (b) the attitude of employers towards release of their staff and the payment of the fixed expenses allowance which we recommend in our Interim Report would make it easier for wage earners to attend day-time meetings;
- (c) evening meetings can throw a heavy burden on officers and perhaps make recruitment more difficult;
- (d) if meetings are held in the evenings, the authority must face competition from the other distractions of society and the many and varied interests which attract people, not least the demands of home and family;
- (e) as far as the rural areas are concerned, evening meetings may involve long journeys often by public transport; in winter months we think evening meetings would be a deterrent;
- (f) the time of meetings has a real effect on the attitude of members towards their local government work and on that of the public who might otherwise participate in it. It is not so much the time of the meetings but their frequency and their duration, and indeed their content, which are of real significance.

537. We do not feel able to make recommendations on this problem which must be a matter for each local authority to solve for itself in the light of its particular circumstances.

⁶² Volume 5, Chapter 3, The council members: paragraph 132.

⁶³ *Ibid.*

⁶⁴ *Ibid.*: paragraph 135.

THE INTEGRITY AND REPUTATION OF MEMBERS

538. In paragraph 510 we place overriding importance on the integrity of the members. This merits separate treatment. The Social Survey finds that when asked whether people become council-members because they want to make money for themselves, three-quarters of the sample of the electorate do not believe this to be the case; in reply to a further question, two-thirds say that they do not believe that they become members because they want higher positions at work.⁶⁵ Generally the electors are more likely to credit members with 'community centred' than with 'personal centred' motives.

539. The research report comments that the general picture is of a high standard of honesty in council matters even when members are subject to strong local pressures.⁶⁶ But the research report says that some disquiet arises from builders and developers being members of planning committees.⁶⁷ The research report also refers to the special situation which exists where a large proportion of a council are tenants of their own authority and consider and vote upon rents and other conditions of tenure⁶⁸ under a dispensation from the appropriate Minister,⁶⁹ and concludes—'sufficient has been seen of such difficulties to emphasise that they should not be minimised'.⁶⁸

540. There is only a small body of written evidence which refers to the question of pecuniary interest; some witnesses are opposed to any relaxation of the existing legal provisions whereas others see in the legal provisions factors which may deter some people from serving in local government.

541. The law⁷⁰ provides that any member of a local authority who has any direct or indirect pecuniary interest in any contract or proposed contract or other matter, and who is present at a meeting where the contract or matter is to be discussed, must disclose his interest and may not take part in the discussion, nor may he vote. A member may give notice in writing to the Clerk that he, or his wife, is a member or in the employment of a specified company or body, or that he or his wife is a partner or in the employment of a specified person, or that he is a council house tenant, and this general notice is by law a 'sufficient disclosure' of his interest in any contract relating to that company, body, person or of his interest by virtue of his tenancy. A local authority may provide in its standing orders for the exclusion of a member from a meeting of the authority whilst any contract or other matter in which he has a pecuniary interest is under consideration. Section 131 of the Local Government Act 1948 provides for some softening of these provisions where the shareholding is small, but the need to declare an interest still remains. The Ministers have power to remove any disability imposed by section 76 of the 1933 Act in any case in which the number of members so disabled at any one time would be so great as to impede the

⁶⁵ Volume 3. The local government elector. Table 132.

⁶⁶ Volume 5. Chapter 3. The council members: paragraph 107.

⁶⁷ *Ibid*: paragraph 110.

⁶⁸ *Ibid*: paragraph 112.

⁶⁹ In England, the Minister of Housing and Local Government; in Wales, the Secretary of State for Wales.

⁷⁰ 1933 Act: section 76 as amended.

transaction of business, or if it is in the interest of the inhabitants that the disability be removed. A member is deemed to have an indirect pecuniary interest in a contract or a matter if:

- (a) he or his nominee is a member of a company with which the contract is to be made or which has a direct pecuniary interest in the matter under consideration;
- (b) he is a partner or employee of a person with whom the contract is to be made or who has a direct pecuniary interest in the matter under consideration.

This does not apply to membership of a public body or employment therein. Under the 1964 Local Government (Pecuniary Interests) Act a member is not regarded as having a pecuniary interest if it is so remote or insignificant that it cannot reasonably be regarded as likely to influence a member. The maximum penalty for non-disclosure of pecuniary interest is £200.

542. The Ministers' powers under section 1(5) of the 1964 Act have, we understand, been liberally exercised. Under the Act they have power to remove a disability either indefinitely or for any period, and for any member or class of member. We understand that until the summer of 1964 dispensations were given for periods of three months, but that the present practice is for dispensations to be given for periods of up to a year. Dispensations to enable a member to speak are given quite readily, but dispensations for voting are given only where half, or more than half, of the council or any of its committees would otherwise be disabled, or where the number of members disabled and their distribution among the parties or groups on the council or committee are such that a decision might otherwise be taken to which the majority of the council or the committee is opposed. In January 1967 the Ministers gave a general permission to members who are tenants of council housing accommodation to speak and vote on matters of general housing policy.⁷¹ Dispensation is not given, either for speaking or voting, if the matter to be dealt with is one solely affecting a particular member: for example, a member who owns property in a re-development area may obtain dispensation to speak and vote on the re-development proposals generally, but not on something affecting his own particular property alone. Dispensations do not absolve members from declaring their interest.

543. The law as it affects the local government member is *prima facie* more harsh than the procedure in the House of Commons. Erskine May's Parliamentary Practice says that the rule is that no member who has a direct pecuniary interest in a question shall be allowed to vote upon it, but in order to operate as a disqualification this interest must be immediate and personal and not merely of a general and remote character. This disqualification does not extend to speaking and a member is not restrained from proposing a motion or amendment.

544. There is little written evidence on this subject. Two distinct points of view are adopted; on the one hand there is the view that there should be no relaxation of the law and even that members with a pecuniary interest should be barred from the council. On the other hand, it is thought that the law relating to

⁷¹ Ministry of Housing and Local Government Circular No. 5/67.

pecuniary interest deters some people from service, and that it should be amended to place members in the same position as members of Parliament. The evidence does not suggest to us that this issue is one which is a serious cause of embarrassment to members. We doubt whether it is a material factor in dissuading people from standing for election. Many witnesses do not seem aware of the practice in regard to dispensation to speak and vote.

545. We have noted with some interest the written evidence of the Institute of Building which refers to the position of members connected with the building industry who are unable to speak or vote (and so advise the local authority) because of the provisions of the law. The Institute admits that their members may well have a direct interest in a project, but points out that their interest is well known to other members who can take it into account in assessing the value of their advice.

546. We are aware of a small element in the written evidence which suggests that some councillors are in local government for what they can get out of it. We are conscious that some sections of public opinion, often ill informed, have an impression that abuse of position is prevalent in local government. But as Mr. Ramsay Willis in his Report of the Bognor Regis Inquiry remarks 'there seems to be danger that if business men are to be excluded from the major Council Committees they may feel that they can make no effective contribution to local government and decide not to take part in local affairs. That, it seems to me, would not be in the interests of good local government for two reasons; first their skilled knowledge can and does make a useful contribution; second, there is a danger . . . that Councillors when considering the more technical aspects of their work might become no more than rubber stamps on the proposals of their officers'.⁷² Mr. Ramsay Willis concludes that 'however meticulous a Councillor is in observing the requirements of the section (section 76), however hard and honourably he works in the interests of the ratepayers, there will always be some members of the public ready to believe that the Councillor will feather his nest while apparently acting correctly. It seems to me that it would reduce the credence which such people can gain, and render a Councillor less vulnerable were he to be entitled, after having made a full declaration of his interest, to take part in the discussion and vote'.⁷³

547. The law relating to pecuniary interest was drafted in the context of members' involvement or interest in contracts. Nowadays the difficulty lies primarily, we believe, in planning and development matters. We are concerned that there is a view that members do, or can, take advantage of their position as members and of the inside knowledge they may possess. It is abundantly clear to us that a member is in a position to take advantage of information which comes into his possession in his capacity as a member but that it is not easy to prove that the member has an interest which he has failed to declare. The probity of members and the pressure and interest of public opinion alone can defend the reputation of local government; but if there are pockets of disquiet, some people who might otherwise wish to serve local government may be deterred from so doing because of the reputation of the authority.

⁷² Paragraph 246 of that Report.

⁷³ Paragraph 309 of that Report.

548. We argue throughout this Report that local authorities should be trusted to order their own affairs. It would be consistent with this argument to recommend the repeal of section 76 of the 1933 Act leaving local authorities free to apply rules similar to those applied in the House of Commons and relying on the conscience of the member, his concern for the esteem of his colleagues, the vigilance of the press and the threat of public opinion. But the position of the member of a local authority is very different from that of a member of Parliament. The council-member is concerned with a smaller community, he is more closely involved with a smaller area, he is more likely to be personally interested in the affairs of the area he represents, than the member of Parliament. The more 'local' the local authority, the more personally interested the council-members may be. Our overriding concern must be for honesty of local administration and also for its reputation.

549. We recommend therefore that legal sanctions be retained which require a member to declare an interest and which prevent him from speaking or voting on a matter in which he has an interest unless dispensation is granted by the appropriate Minister.

550. We find the present law cumbersome and difficult to understand and we recommend that the law relating to pecuniary interest should be consolidated and simplified.

SUMMARY OF RECOMMENDATIONS

- (73) There should be legal provision that a person aged 70 or over is disqualified from standing for election to a local authority (paragraph 514).
- (74) The local authority Associations should seek the establishment at universities and colleges of training courses for council-members (paragraph 523).
- (75) Employers should accept that the release of their staff for work as members of local authorities is in the public interest (paragraph 532(a)).
- (76) Employers who do grant release to their employees for work as members of local authorities should allow their release for at least 18 days a year (paragraph 532(b)).
- (77) The period of release should not be deductible from any holiday entitlement of the employee (paragraph 532(c)).
- (78) Legal sanctions should be retained which require a member to declare a pecuniary interest and which prevent him from speaking or voting on a matter in which he has an interest unless dispensation is granted by the appropriate Minister (paragraph 549).
- (79) The law relating to pecuniary interest should be consolidated and simplified (paragraph 550).

Notes of Dissent

(A) FUNCTIONS OF THE MANAGEMENT BOARD AND OF COMMITTEES

Note of dissent by Sir Andrew Wheatley

It is with great regret that I find myself for the second time in disagreement with my colleagues on the Committee. I agree that in many local authorities committees tend to regard themselves as though they, and not the council, were the appropriate body to exercise the powers conferred by Parliament. Some departments of local authorities, taking their lead from the committees, act as though they were separate and independent parts of the organisation, and not a part of a single entity. To overcome this defect I agree with the concept of a management board which the Committee are recommending: but in attempting to remedy the present defects the Committee seek to take away virtually all the executive functions of committees. In so doing, they go further than is either necessary or desirable. I disagree with the recommendations in:

Chapter 3, paragraph 162 (d) that the management board take decisions on behalf of the council which exceed the authority of the principal officers and recommend decisions to the council where authority has not been delegated to the management board.

Chapter 3, paragraph 162 (e) that the management board be responsible for the presentation of business to the council.

Chapter 3, paragraph 165 that committees should not be directing or controlling bodies.

Chapter 3, paragraph 166 that committees should be deliberative and representative bodies.

Chapter 3, paragraph 167 that committees only take executive decisions in exceptional circumstances when the management board requires them to do this.

In my view these proposals will vest far too much power in the small number of members who will be members of the management board, and will deprive the great majority of the members of the council of the opportunity of participating effectively in the formulation of policy and the development of the services which are the responsibility of local government. Local government is fundamentally a means of associating representatives elected by the people with government, and, so far from detracting from it, everything should be done to encourage it.

We are by our terms of reference called upon to consider how local government might best continue to attract people of the calibre necessary to ensure its maximum effectiveness. The elected members are by far the most important element in local government. In my experience most of them offer themselves for election because they wish to participate in, and contribute to the development of, services of great importance to the community which are entrusted to

local government. Unless the members as a whole are given a worthwhile part to play, a function which must inevitably involve direct participation in formulation of policy, local government will not attract members of the quality that are needed. The prospect of becoming a member of the management board in ten or 15 years time is not a sufficient incentive. The local authorities which operate most effectively are those in which the responsibilities are shared as broadly as possible among the members as a whole. This gives the members both the feeling that the work to which they give their time is worthwhile, and a sense of belonging to the council. Indeed where dissatisfaction and discontent are found, the reasons are usually that a place cannot be found for a member on the committee whose work interests him most.

The committee system is characteristic of local government, and indeed by far the greater part of the work of local government is done in committees. Without the committee system local government could not work, and there is much in it which is excellent. The analogy with the central government is a false one, because it would be impossible to associate all the individual members of Parliament with decision taking, as has become the practice in local government. I accept the need for a strong management board to co-ordinate the whole range of activities of the council, something which has hitherto been lacking in many authorities. It seems to me however to be essential that the management board should not usurp the functions of the committees if local government is to operate satisfactorily.

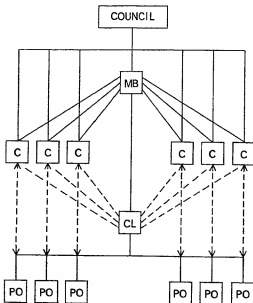
I would retain standing committees, investing them with executive powers to manage the services for which they were responsible (but not to authorise every item involving revenue expenditure), with the duty to report to the council on the discharge of their functions; but on any major issue of policy or new scheme involving capital expenditure they should first report to the management board. It would be the responsibility of the management board to ensure that any new proposal of this sort did not conflict with the activities of the council in other directions. No doubt a standing committee, before reporting to the council, would consider any views that might be expressed by the management board, but I see no reason why, in the last resort, if agreement were not reached, both the standing committee and the management board should not report to the council, each expressing their views on the proposal, and explaining their reasons, leaving it to the council to come to a conclusion and take the decision on which view should prevail. Under the system which is recommended by my colleagues the management board would alone report to the council and none of the committees would have the opportunity of making their views known in writing before the meeting of the council. Fair though the management board would, no doubt, wish to be, in the case of a difference of opinion, they would start with the advantage of being the only body able to present arguments in writing for consideration by the members before the meeting of the council.

In associating committees of the council with the formulation and execution of policy, albeit effectively co-ordinated, a greater number of members of the council would be better informed of the issues which were involved and, instead of leaving the responsibility upon an individual member of the management board to carry an uninformed council with him, the chairman of the committee

concerned would be able to look for the support of the members of his committee in seeking to persuade the council to come to the right decision. In the great majority of cases, he would have the support of the management board.

There is a very real danger in the scheme recommended by the Committee that the members of the management board may become too remote and detached from the members of the council as a whole.

The diagram which appears on page 50 I would amend so that it takes the following form:



In my view this would have the following advantages:

- (i) It would enable the management board to play an effective part in co-ordinating the development and administration of the services as a whole.

(A) Functions of the Management Board and of Committees

- (ii) It would give the standing committees the opportunity of reporting direct to the council.
- (iii) It would enable the chairman elected by the committee to put the committee's point of view to the council.
- (iv) It would give the members of the committees a much greater sense of participating than would be the case if the committees were only advisory. The fact that members of the council had the opportunity of participating in this way would give them a far greater sense of belonging to and being members of a corporate body.
- (v) It would provide a much more healthy balance of power and prevent the management board becoming too autocratic and remote.
- (vi) It would be a much more effective method of spreading the burden of the work and would not overwhelm the members of the management board by compelling them to settle every question arising on the execution of the council's policy.
- (vii) It would enable committees, e.g. planning, to deal by delegation with statutory functions conferred upon the council.
- (viii) It would lead to a much more healthy and successful system of local government.

(Signed) ANDREW WHEATLEY.

(B) PAYMENT OF MEMBERS OF MANAGEMENT BOARDS

Note of dissent by Sir Philip Dingle

Regretfully I feel I must dissociate myself from the recommendation in paragraph 217 of Chapter 3 that local authorities should be enabled to pay part-time salaries to management board members although I would agree that they should be entitled to claim an allowance additional to that which we recommend in our Interim Report (referred to in paragraph 524 of Chapter 6) to reimburse to them the additional expense that they will incur.

(Signed) PHILIP B. DINGLE.

(C) PECUNIARY INTEREST

(i) Note of dissent by Sir Philip Dingle

I cannot subscribe to the recommendation in paragraph 549 of Chapter 6 that members should continue to be subject to penal sanctions if they take part in the discussion of or vote on a 'matter' in which they have an 'interest'. I do not believe that the law can be satisfactorily clarified; nor that it is possible to put into an Act of Parliament a code of decency.

(Signed) PHILIP B. DINGLE.

(ii) *Note of dissent by Mr. F. V. Magness*

I do not consider that the general notice of interest provided for in section 76(4) of the 1933 Act (and referred to in paragraph 541 of Chapter 6) is by itself a sufficient safeguard. A member can make this declaration at the commencement of his term of office and it will be continued for as long as he serves on the authority. Although the book containing disclosures of interest and any notice given under section 76(4) is open for public inspection, it is my experience that in practice it is rarely inspected by any member of the public. Unless the standing orders of the authority specifically require that a member having a pecuniary interest shall withdraw from the meeting, and the standing order is also rigorously enforced, such a member can remain within the meeting. Provided he does not take part in or vote on the discussion he is fulfilling his legal obligations, and he is under no requirement to inform his colleagues of his interest. Not all councils have such a standing order, and not all of those which have insist on its rigorous observance.

On the other hand a council or committee may be deprived of the genuinely disinterested advice of an expert on a subject because he happens to have what amounts to a purely technical pecuniary interest. My experience leads me to agree with the comments of Mr. Ramsay Willis quoted in paragraph 546 but I do not think it advisable that a person with a pecuniary interest in a matter should be able to vote on that item.

I therefore consider that the law should be altered so that a member having a pecuniary interest in a subject should be compelled to declare that interest at the earliest practicable time on each and every occasion when the subject is under discussion at a meeting at which he is present but that having so declared his interest he should be then free to speak on the subject but not to vote. His colleagues and the public will then judge the disinterestedness or otherwise of his comments and will regard or disregard them accordingly.

I believe that such an alteration in the law would help to allay any suspicion of 'nest feathering' in the minds of the public. By a specific declaration on each occasion at the time of discussion with suitable sanctions in the event of a failure so to do, there could be no grounds for any thoughts of concealed interests.

As Mr. Ramsay Willis has said, such a measure would also render a councillor less vulnerable to unjustified suspicion.

(Signed) FRED V. MAGNESS.

Acknowledgements

We wish to acknowledge our debt to the many people and bodies that have helped us in our work.

We are grateful to those local authorities, organisations and individuals (listed in Appendices A and B) who gave us written or oral evidence. We also thank the other local authorities who told us of innovations they were making in their internal organisations.

We visited a number of local authorities (listed in Appendix C) and we thank their Lord Mayors, Mayors, Chairmen, Aldermen and Councillors for their welcome and their patience in answering our questions. To the officers of the authorities concerned, and in particular their Clerks, we are specially grateful.

Some of our number visited local authorities in West Germany, the Netherlands and Eire and we wish to thank the representatives of the various ministries and official agencies for much information and help in arranging the programmes of the visits. We are also greatly indebted to the members and officers of the authorities which we visited for their courtesy and readiness to answer our questions. One of our number went to Sweden with a member of the Staffing Committee to see the local government training school at Sigtuna and the Social High School in Stockholm. The help given to them by the directors of these two establishments and the Swedish authorities was greatly appreciated.

In the course of enquiries on our behalf Dr. A. H. Marshall visited local authorities in Eire, Sweden, the United States of America, Canada, the Netherlands and West Germany. We record our deep appreciation to the many organisations and people in those countries who gave him assistance.

We are greatly indebted to the Councils of Birmingham, Coventry and of West Sussex for their generous help in processing replies to the questionnaire prepared by Dr. Marshall and his colleagues and to the Treasurers of the three authorities and their staffs for their labours at a time when they were hard pressed by their own duties. We are well aware that the completion of the questionnaire involved much work for the local authorities to whom it was sent, and we are particularly grateful to those authorities and their officers for willing submission to further questioning and interviews.

The Committee owes an outstanding debt of gratitude to Dr. Marshall. Not only did he assume the very heavy burden of co-ordinating the research work done on our behalf and of carrying out enquiries into local authority procedures abroad, but he attended most of our meetings. His long experience of local government in this country and his wisdom have made his advice invaluable. Dr. Marshall was assisted by Miss Harrison, Mr. Norton and Mr. Rhodes. We are highly appreciative of the research work which they undertook and of the help they gave us when attending our meetings. Much of the statistical work for the research reports was done by Mr. B. C. Davis, of the Treasurer's Department, Coventry. We are grateful to him and to the Council of the City of Coventry for making his services available.

Much of the success of the research work is due to the co-operation of the Institute of Local Government Studies at Birmingham University and of its Director, Mr. H. Maddick. The University of Birmingham made Dr. Marshall's services available to us and provided facilities for his colleagues. We are also grateful to the Institute for convening meetings of academics to discuss the research work of the Committee and to Nuffield College, Oxford, for bringing us into contact with various academic workers at an early stage in our enquiry. To those academics who directly assisted Dr. Marshall and his colleagues in carrying out research work we owe a special word of thanks.

We are deeply indebted to the Director of the Government Social Survey, Mr. Louis Moss, and to his colleagues, Miss Horton and Mr. Parker, for the efficient and expeditious way they prepared their reports on the Local Government Councillor and the Local Government Elector and for the advice they gave at the meetings they attended.

We take this opportunity of thanking the local authority Associations (which met a substantial proportion of the costs of our work) for their co-operation. We are grateful to the Association of Municipal Corporations for their help in making their conference room available for many of our meetings.

The Secretary of the Institute of Municipal Treasurers and Accountants gave us much valuable help and to him and a number of his colleagues who are Treasurers in local authorities we express our thanks.

We thank the Librarian of the Ministry of Housing and Local Government and his staff, who were assiduous in providing us with material on local government and in bringing new publications to our notice, and the duplicating staff of the Ministry for the efficient and willing work they did for us throughout our enquiry.

Finally, we cannot adequately express our admiration of the service given us by the Secretariat or our gratitude to its members—Mr. M. V. Saville, Mr. H. G. Cooper, Mr. D. E. Oddy and their small supporting staff. They have carried a burden of work, on behalf of the parallel Committee on Staffing and of ourselves, which without first-rate organisation would at times have proved intolerable. To all of them, and in particular to Mr. Saville who has led the joint Secretariat and served our Committee with unflagging zeal, patience and discretion, we wish to pay a tribute of unqualified praise.

APPENDIX A

Written Evidence

LIST OF WITNESSES

Individuals

- | | |
|--|------------------------------------|
| *Mr. R. W. Allott, MA | Mrs. M. Jakes |
| *Alderman D. O. Ash | Mr. J. S. Jones |
| *Mr. H. A. Ashdowns, CBE | Mr. E. Knowles, ACIS |
| Councillor J. Asbton | Mr. F. Langsdale |
| *Mr. S. B. Bailey, MSc (Eng.), MIMechE, | *Councillor Mrs. I. A. Legh, OBE |
| AMIEE | *Mr. G. L. Leigh |
| *Mr. C. V. Baker | *Mr. M. J. Le Lobé, MSc (Econ.) |
| *Mr. J. Beattie, OBE, TD, DL, JP | *Mr. J. W. Lett |
| *Councillor F. H. Bell | *Mr. T. Lewis |
| *Mrs. D. Boothman | *Mr. J. E. Lloyd |
| *Mr. G. Bowden | *Professor B. Keith-Lucas, MA |
| *Mr. J. T. Brindley, FCIS, FCCS | *Mr. A. S. Martin |
| *Mr. M. Broomfield | *Mr. A. W. Miles |
| *Mr. G. S. Bull, BSc, DPA | *Councillor P. A. Mimms, LLB, FCII |
| *Mr. B. L. Butcher | *Mr. D. G. Morgan |
| *Alderman F. Butterfield, FRICS | *Mr. P. Morris |
| *Councillor F. Butters | *Mrs. E. Murray |
| *Mr. J. D. Cantwell | *Mr. and Mrs. E. J. Nickson |
| *Councillor E. J. J. Carter | *Councillor H. Osborne |
| *Councillor the Honourable Mrs. Iris Cawley | *Alderman F. W. Parrott, JP |
| Mr. N. Chamberlain | *Mr. N. Passant |
| *Mr. C. A. Chappell | *Councillor E. Royston Pike |
| †Mr. D. N. Chester, CBE, MA | *Mr. R. Y. Pomfret |
| Mr. A. D. Clifford, TD, MA | *Alderman P. Ramsay |
| Mr. D. Cooper | *Mr. H. Reid, ACCS, FSCC |
| Mr. F. Crook | *Mrs. K. Rigg |
| *Councillor A. P. Daines | Mr. D. Robinson |
| *Mr. E. R. Davies | Councillor L. F. Rose, FRICS, FAI |
| Mr. J. G. Davies | Mr. D. G. Seager |
| *Mr. R. N. Deaby | *Mr. J. W. Simpson, OBE, FCIS |
| *Mr. I. H. Dowson | Mr. A. Sleet |
| *Councillor G. F. Foote | *Councillor B. L. Smith |
| *Mr. W. R. Gadsden | *Mrs. B. N. Smith |
| *Councillor P. Grant | Alderman A. Souter |
| *Councillor Ian Gray | *Miss A. Spokes |
| †Professor J. A. G. Griffith, LL.M. (with Miss | *Councillor J. Thirlwell |
| J. M. Johnston, BSc (Econ.) and Mr. D. | *Mr. I. D. Thomson |
| Regan, BSc (Econ.) | *Mr. E. M. Townsend |
| *Councillor J. D. Hamilton | *Mr. F. R. de Treatham |
| *Mr. R. S. Harland, MA, LL.M. | *Councillor R. G. Truman |
| *Councillor R. D. Harrison, JP | *Councillor T. Turner |
| Mr. R. Heath | *Councillor H. H. Vandermolen |
| *Dr. M. E. M. Herford, DSO | *Dr. Monica Vincent |
| *Mr. K. C. E. Holmes, FAIC | *Mr. J. Walters |
| *Mr. S. Holt | *Mr. F. O. Waterhouse |
| *Mr. R. D. Horner, AMIMechE, AMIProdE | *Mr. S. White, MA (Cantab.), ACIS |
| *Mr. R. S. Hulbert, BSc (Econ.), AMBIM, | *Mr. W. F. Whitehouse |
| AIPM | *Councillor A. G. Wilson, MA |
| *Councillor Mrs. L. Iremonger | *Councillor P. Windle |
| *Mrs. A. Jackson | Mr. G. A. Wright |

†Published evidence independently

*Agreed to evidence being quoted in full or in part

Organisations

- *Aldingdon Borough Council
- *Association of British Chambers of Commerce
- *Association of Chief Education Officers and Association of Education Officers (joint submission)
- *Association of Child Care Officers
- *Association of Civil Defence Officers
- *Association of College Registrars
- †Association of Councillors
- *Association of Directors of Welfare Services
- *Association of Education Committees
- *Association of Headmistresses
- *Association of Local Authority Valuers and Estate Surveyors
- *Association of Local Government Financial Officers
- *Association of Rural District Council Surveyors
- *Basingstoke Borough Council.
- Bournemouth Federation of Ratepayers' and Residents' Association
- Bradfield Rural District Council
- *Bridgwater Rural District Council
- †British Dental Association (Public Dental Officers' Group)
- *British Employers' Confederation
- *Burnley County Borough Council
- *Buxton Borough Council
- *Cheltenham Borough Council
- *Conservative and Unionist Central Office
- †Corporation of Secretaries
- *Cotswold Water Board
- *Council for Training in Social Work.
- *County Land Agents' Association
- †Eastern Counties Liberal Federation
- †Electoral Reform Society
- *Engineers Guild Limited
- *Fabian Society
- *Faversham Society
- *Federation of Industrial Development Associations
- *Federation of Ratepayers' and Kindred Associations of Middlesex (superseded in March 1965 by the London Ratepayers' Alliance)
- *Federation of Ratepayers' Associations of the London Borough of Enfield
- *Folkestone Borough Council
- Fulham Metropolitan Borough Council
- *Haringey London Borough Council
- *Harlow Urban District Council
- *Hoylake Urban District Council
- *Huntingdonshire County Council
- †Incorporated Association of Architects and Surveyors
- *Institute of Baths Management (Inc.)
- *Institute of Building
- *Institute of Burial and Cremation Administration
- †Institute of Local Government Administration
- *Institute of Municipal Building Management
- †Institute of Municipal Treasurers and Accountants
- *Institute of Public Cleansing
- *Institute of Public Supplies
- *Institute of Quantity Surveyors
- *Institute of Sewage Purification.
- *Institute of Social Welfare
- *Institution of Civil Engineers
- †Institution of Municipal Engineers
- *Institution of Structural Engineers

- *John Hampden Society of Buckinghamshire
- *Keighley Conservative Association
- *Kent Federation of Constituency Labour Parties
- *Kew Ratepayers' Association
- †Lancashire County Council
- *Local Government Legal Society
- †London County Council
- †London County Council Staff Association
- *Management Consultants Association
- †National and Local Government Officers' Association
- *National and Local Government Officers' Association (Sleaford and East Kesteven Branch)
- *National Association of Divisional Executives for Education
- †National Association of Parish Councils
- *National Council of Social Service
- *National Federation of Business and Professional Women's Clubs of Great Britain and Northern Ireland
- *National Federation of Women's Institutes
- *National Union of Ratepayers' Associations
- *National Union of Teachers
- *National Union of Townswomen's Guilds
- *National Women Citizens' Association
- Neston and District Ratepayers' Association
- *Oxford County Borough Council
- *Oxford Residents' and Ratepayers' Association
- *Peterborough City Council
- *'Phoenix'
 - Princes Risborough and District John Hampden Society
- *Queen's Institute of District Nursing
- †Rating and Valuation Association
- *Rawtenstall Borough Council
- *Richmond Rural District Council
- †River Thames Society
- *Romsey Borough Council
- *Rotary Club of Windsor and Eton
- *Royal College of Midwives
- *Royal College of Nursing and National Council of Nurses of the United Kingdom
- †Royal Institute of British Architects
- *Royal Institute of Public Administration
- *Royal Institution of Chartered Surveyors, Chartered Land Agents' Society and Chartered Auctioneers' and Estate Agents' Institute (joint submission)
- ** Societies of County Chief Officers', i.e. joint submission by Societies of Clerks of the Peace of Counties and of Clerks of County Councils, County Surveyors, County Education Officers, County Architects, County Planning Officers, County Welfare Officers, County Land Agents, County Children's Officers, and the County Chief Officers' Section of the Institute of Weights and Measures Administration
- *Society for Individual Freedom
- *Society of Chief Inspectors of Weights and Measures
- *Society of Clerks of Rural District Councils
- *Society of Clerks of Rural District Councils (North Riding Branch)
- *Society of Clerks of Urban District Councils
- *Society of Clerks of the Peace of Counties and of County Councils
- *Society of County Treasurers
- *Society of Medical Officers of Health
- *Society of Rural Financial Officers
- *Society of Town Clerks
- *South Shields Progressive Association
- *Standing Conference of Organisations of Social Workers
- *Tilehurst Parish Council

*Tottenham Borough Council

*Town Planning Institute

*Upminster and Cranham Ratepayers' and Residents' Association

*West Norfolk Fabian Society

*West Suffolk County Council

APPENDIX B

Oral Evidence

LIST OF WITNESSES

Abingdon Borough Council

Sir William Alexander, LHD, PhD, EdB, MA, BSc, FBPsS, General Secretary of the Association of Education Committees

Associations of Chief Education Officers and of Education Officers

Association of Headmistresses

Mr. D. N. Chester, CBE, MA, Warden of Nuffield College, Oxford University

Sir Charles Cunningham, KCB, KBE, CVO, formerly Permanent Under Secretary of State to the Home Office

Mr. J. P. Dodds, CB, Under Secretary, Local Authorities' Division, Ministry of Health with Mr. J. G. Paterson, Principal Regional Officer for the North-East of London, Essex and East Anglia, Ministry of Health

Greater London Group

Professor J. A. G. Griffith, LL.M., jointly with Miss J. M. Johnston, BSc (Econ.), Mr. D. E. Regan, BSc (Econ.), and Miss E. White, BA

Sir William Hart, CMG, Clerk to the Greater London Council

Mr. R. N. Heaton, CB, Deputy Secretary, Ministry of Transport

Institute of Municipal Treasurers and Accountants

Institution of Municipal Engineers

Mr. J. R. James, OBE, Chief Planner, Ministry of Housing and Local Government

Kew Ratepayers Association

Law Society (The Law Society's evidence was to a joint meeting of the Committees on Management and Staffing)

Management Consultants Association

Mr. Orin F. Nolting, Executive Director of the International City Managers' Association

Mr. Raymond Nottage, CMG, Director of the Royal Institute of Public Administration

Mr. Timothy Raison, Editor of 'New Society'

Royal Institute of British Architects

Dame Evelyn Sharp (now Baroness Sharp of Hornsey in Greater London), GBE, formerly Permanent Secretary of the Ministry of Housing and Local Government

Mr. T. Dan Smith, Chairman of the Northern Region Economic Planning Council and formerly member of the Newcastle City Council

Society of Clerks of Rural District Councils

Society of Clerks of the Peace of Counties and of Clerks of County Councils

Society of Clerks of Urban District Councils

Society of Town Clerks

Professor R. M. Titmuss, Professor of Social Administration in the London School of Economics and Political Science

Town Planning Institute

Mr. T. R. Weaver, CB, Deputy Secretary, Department of Education and Science

APPENDIX C

Local Authorities visited by the Committee

<i>Name of Authority</i>	<i>Date of Visit</i>
Reading County Borough Council	27 and 28 October 1964
Birmingham County Borough Council	2 and 3 November 1964
Chichester Rural District Council	9 and 10 December 1964
West Sussex County Council	9 and 10 December 1964
Newcastle Upon Tyne County Borough Council	19 and 20 January 1965
Durham County Council	20 and 21 January 1965
Glamorgan County Council	17 and 18 February 1965
Caerphilly Urban District Council	19 February 1965
West Suffolk County Council	13 October 1965
Basildon Urban District Council	14 October 1965
Manchester County Borough Council	18 and 19 November 1965
Cheshire County Council	6 and 7 December 1965

APPENDIX D

The Committee's Interim Report on the Allowances of Elected Members

To the Rt. Hon. Richard Crossman, OBE, MP, Minister of Housing and Local Government

I Introduction

1. We were appointed by your predecessor in February 1964, at the request of the four main Local Authority Associations, with the following terms of reference:

'To consider in the light of modern conditions how local government might best continue to attract and retain people (both elected representatives and principal officers) of the calibre necessary to ensure its maximum effectiveness'.

2. It has recently been represented to us by the Association of Municipal Corporations that we might consider making an interim Report on the general question of allowances to elected representatives in local government. We believe that this question can be answered without prejudice to the rest of our enquiry and we have reached conclusions about it.

3. We now therefore have the honour to present an interim Report dealing with the general question of allowances paid to elected members of local authorities (that is to say, county, county borough, borough, urban district and rural district councils) in England and Wales.

II The Present Position

4. Members of local authorities can ask to be reimbursed the expenses they incur on travelling and subsistence and they are entitled to claim, if they wish to do so, small allowances if they have suffered loss of earnings or have necessarily incurred expense, as a result of having to perform their duties as members of a local authority, provided those duties fall within the definition of 'approved duty' (see paragraph 5 below). As to the rates of allowances, maxima are laid down by the Minister in exercise of powers conferred on him by sections 112, 113 and 117 of the Local Government Act 1948; local authorities have therefore only limited freedom to pay such allowances as they think appropriate. We believe that local authorities generally pay the maximum permitted by law.

5. Approved duty. Under the law as it now stands¹ approved duty means principally—

- (a) attendance at a meeting of the council or of any of its committees and sub-committees;
- (b) the doing of any other thing approved by the council, for the purpose of, or in connection with, the discharge of the functions of the council, or of any committee or sub-committee thereof.

The three types of allowance mentioned in paragraph 4 above are payable only in respect of approved duty as defined. The interpretation placed on the word 'functions' in that definition relates to those functions of a local authority which are imposed or permitted by statute. For example, the member of an urban district council (which is not a local education authority) interesting himself generally in the work of the education authority would not be eligible to claim any expenses arising from the interest he had shown. Further, approved duty is related to the actual discharge of the functions of the authority and not to the general duties or functions of the elected member himself. Thus, meetings with his constituents, either in his own home or by visiting them, and journeys to the council offices on their behalf, do not, since they cannot be said to be related to the discharge of the functions of the authority constitute approved duty, and therefore the expenses involved do not rank for reimbursement under any one of the three allowances. The effect of the definition of approved duty is mitigated to an extent by the provision, under section 1 of the Local Government (Financial Provisions) Act 1963 and the Local Government (Conferences) Regulations 1963, for the reimbursement of members for the expenses of attendance, on behalf of their authority, at certain meetings and conferences which cannot be regarded as approved duty.

¹ Section 115 of the Local Government Act 1948.

6. Travelling Allowance.¹ The rates of travelling allowance to be determined by local authorities may not exceed those prescribed in the regulations; the regulations:

- (a) deal with the rate for travel by public transport;
- (b) prescribe the rate for travel by a member's own vehicle. This is now 3d. a mile unless it can be shown that the travel results in—
 - (i) substantial savings of a member's time, or
 - (ii) is in the interests of the authority, or
 - (iii) is otherwise reasonable.

In which case the rates are increased to figures varying with the power of the vehicle and the mileage travelled;

- (c) provide for an additional allowance to be paid if other persons who are entitled to make a claim are carried as passengers; for toll, ferry and parking fees to be reimbursed and for an allowance for garaging overnight;
- (d) allow taxi cabs in case of urgency or where there is no public transport reasonably available;
- (e) provide a complex formula for travel by air;
- (f) lay down the form of claim.

7. In the written evidence submitted to us there are a few references to the inadequacy of this allowance. Some witnesses refer to the desirability of making official transport available, and to the difficulty of travel in county areas. But the evidence does not suggest that the rates of travelling allowance are a source of serious dissatisfaction amongst elected representatives; nor does it show to what extent, if any, this factor by itself discourages people from offering themselves as candidates for election.

8. The enquiries made on our behalf by the Social Survey show that 53% of the sample of elected members said that they never claimed travelling allowance. There is here a difference between various types of member: 67% of rural district councillors said that they never claimed but the figure for county members is only 18%. 79% of members thought that the rates of travelling allowance were adequate.

9. Subsistence Allowance²

The rates payable in the case of absence, not involving an absence overnight, from the usual place of residence may not exceed:

4-8 hours	12s. 6d.
8-12 hours	23s. 0d.
12-16 hours	33s. 0d.
more than 16 hours	40s. 0d.

in the case of an absence
overnight

68s. 0d. plus 10s. where the overnight stay is in London, or where attending a Local Authority Association meeting.

10. Comments on subsistence allowance tend to merge into remarks about financial loss allowance and the payment of members generally. There is no volume of evidence that the rates of this allowance are inadequate. In practice it can never be more than adequate; costs are always rising and the allowance tends to be out of date. The London County Council criticised the provision which prevents the allowance being paid unless the member is carrying out official duties beyond a radius of three miles from his home.

¹ Schedule 1 to The Local Government (Allowances to Members) Regulations 1954, as amended by The Local Government (Allowances to Members) Regulations 1962.

² Schedule 2 to The Local Government (Allowances to Members) Regulations 1954, as amended by The Local Government (Allowances to Members) Regulations 1965.

11. The Social Survey shows that 68% of the sample of elected members said that they never claimed subsistence allowance, though for county and county borough members the percentages were as low as 40% and 39% respectively. 68% of the members thought that the rates were adequate, but 44% of county borough and 37% of metropolitan borough members thought that they should be increased.

12. Financial loss allowance.¹ The amount of financial loss allowance in respect of any period of 24 hours must not exceed £1 5s. 0d. where the period 'over which earnings are lost or additional expense (other than expense on account of travelling and subsistence) is incurred' is not more than 4 hours; where the period is more than 4 hours the sum is £2 10s. 0d. The allowance is not subject to tax.

13. The bulk of the relevant written evidence is devoted to this allowance and to the related matter of the payment of members generally. This allowance is said to be mean or inadequate, and such that it cannot possibly recompense a member for salary or wages lost while away from work; in particular, it is criticised because it does not apply to those who are self-employed or housewives or are not gainfully employed. The London County Council quoted in their evidence to us a ruling given by the Ministry in 1963 which in summarised form is as follows:

A claim based on loss of earnings must rest on a positive link between a specific item of approved duty and a specific loss resulting from that duty (or series of duties). It is not sufficient to say that earnings as a whole are reduced because of approved duty as a whole.

The London County Council drew attention to the position of those members who are self-employed and whose duties involve giving up time which they could remuneratively devote to their callings or who, but for the time devoted to the service of the Council, could engage in paid employment. The Council pointed out that these members do not benefit from the financial loss allowance, and that it is only to those who suffer a specific loss of earnings due to deduction by their employers from their pay in respect of absence on official duties that the financial loss allowance is applicable.

14. 87% of the elected members questioned by the Social Survey said that they never claimed financial loss allowance; the lowest percentage (67) of members who said that they never claimed were the members of county borough councils. 59% of all members thought the allowance was adequate but 50% of county borough members thought it should be increased. It should be added that, although 87% of members did not claim financial loss allowance, this cannot be taken to indicate contentment; it probably reflects, but to an extent which cannot be gauged, the fact that members were unable to demonstrate a financial loss against which a claim could be made. An analysis of male elected members over the age of 25 replying to the Social Survey questions shows that 65% fall into groups whose members would find it difficult or impossible to demonstrate specific financial loss.

15. Administration of the allowances. The administration of the allowances rests on the submission of elaborate application forms which have to be completed by the member. One form relates to the travelling and subsistence allowances and the other to the financial loss allowances. The forms require the member to complete the date, the time of arrival and the time of departure and the description of the approved duty. The mode and class of travel, the fares paid and the number of miles travelled by private vehicle have to be inserted together with the toll, ferry and parking fees where appropriate. Details of the vehicle have to be inserted where a private vehicle is used and, if the rate of more than 3d. a mile is claimed, the grounds for this have to be explained; (that is to say, the member is required to demonstrate that the use of the vehicle resulted in a substantial saving of his time or was in the interests of the authority, or was otherwise reasonable). For the purposes of the financial loss allowance, the member has to show the period of time over which earnings were lost or expenses incurred and to declare that he actually and necessarily suffered loss of earnings which he would otherwise have made, or incurred additional expense to which he would not otherwise have been subject.

¹ The Local Government (Financial Loss Allowance) Regulations 1962.

16. The Social Survey has shown that members attend on the average six committee meetings in a working month and the figure for county boroughs is as high as nine. A minority of members (11 %) and over a quarter of all aldermen attended 50 or more meetings in a six month period. The applications made by members in respect of each attendance have to be checked arithmetically and investigated to see that they are correct statements if the completion of the forms is to be anything more than a formality. The volume of work involved in calculating and checking is thus very considerable.

17. The cost of the allowances. A Working Party of the Institute of Municipal Treasurers and Accountants (IMTA) carried out a survey for the Committee among 190 local authorities (of which 120 replied) on the administration and cost of the present system of allowances. The sample was as follows:

County Councils	13
County Borough Councils	19
Borough Councils	16
Urban District Councils	29
Rural District Councils	35
Authorities now part of London Boroughs	8
	<hr/>
	120

The estimate of the total cost of all allowances in 1964/65 (excluding the London County Council and joint authorities) based on the sample was:

	£
Normal business { elected members	602,500
co-opted members	57,000
Deputations and Conferences	363,000
Overseas visits	47,000
Chairmen's and Mayors' Allowances	531,500
	<hr/>
	1,601,000

This figure is equivalent to .06% of gross expenditure on 'revenue' account.

18. The IMTA Working Party figures show a wide diversity in the total allowances paid to members in different types of authority. But assuming 45,000 elected members, the average cost for each member was £23 if Chairmen's and Mayors' allowances were excluded. The costs of the individual allowances, excluding allowances paid to Mayors and Chairmen, were as follows:

Travelling allowances	£505,000
Subsistence allowances	£326,500
Financial loss allowances	£238,500

19. General comments. There is clear evidence that elected members are put to expense on postage, stationery, telephone (and in some cases on the heating and lighting of an office or work room) as a result of their duties. There is also a body of evidence that, generally, elected representatives are out of pocket and that this is a deterrent to service in local government. On the basis of the figures supplied to us by the IMTA Working Party, it is clear that the present allowances are a very small burden on the ratepayer.

III Proposals in the Evidence which are not endorsed

20. Payment of elected representatives. There is an element in the written evidence favouring some form of payment to members which, it is argued, would encourage the development of a more professional outlook amongst them and would induce more people to come forward as candidates. On the other hand there is a strong body of evidence which is opposed to the payment of members on any salaried basis. Some believe that it would be very expensive and that it would be difficult to visualise a salary which would attract people to local government service. Others think it would generate improper motives for service as elected member and that it would not improve the calibre of members.

21. The findings of the Social Survey reveal that two-thirds of all elected members in the sample thought that members should not be paid and that there was a clear majority holding this view in all types of council. The proportion of councillors thinking that elected members should not be paid was highest in the municipal boroughs and urban districts and somewhat lower in the metropolitan boroughs and counties. There was a division amongst those who thought that members should be paid. 19% of all elected members thought that all members should be paid; a further 7% were of the opinion that chairmen of councils and of committees should be paid. Ex-members questioned by the Social Survey did not hold views very different from those of serving members. Two-thirds of them believed that members should not be paid a salary. Of those who did think that some members should be paid, rather fewer of them than of serving members advocated payment to chairmen and rather more thought that payment should be made only to those in need of it. In a survey of electors, the Social Survey found that 31% of the sample were of the opinion that elected members should be paid a salary for the work they did and 22% that members should get more compensation for loss of working time.

22. We do not believe that elected members should be paid salaries or attendance fees. In saying this we reserve the question of paying salaries to chairmen of committees, chairmen of councils and others who for one reason or another are required to carry special responsibilities which make demands on their time greater than those made on other members.

IV Conclusions

23. *Administration of the allowances.* We consider that the present method of administering allowances to elected representatives for travelling, subsistence and financial loss is embarrassing and undignified, both for members and for those officers who are involved in working the system, and, further, that the labour involved in calculating and checking the allowances is wasteful and unjustified.

24. We believe that the financial loss allowance and to a lesser degree the subsistence allowance can lend themselves to abuse: as the rates of allowance relate to blocks of time, members can be induced to protract, marginally, the time they spend on any item of approved duty so as to fall into a block of time carrying an increased rate of allowance. The financial loss allowance application form cannot be fully checked as the actual loss of earnings or the additional expense necessarily incurred cannot easily be verified.

25. *Approved duty.* We think that the interpretation now placed on 'approved duty' is unduly restrictive because it relates to the functions of the authority and to their discharge and not to the duties of the elected member. There are undoubtedly duties which the elected member would normally expect or be expected to perform and which are not directly functions of the council, its committees or sub-committees. Allowances should take into account this wider conception of the duties of the elected member.

26. *Travelling allowance.*

- (a) For travel on local government work *within* the local authority area members should be able to claim quarterly an allowance for journeys by car calculated on the total estimated mileage travelled during the three-month period. The cost of travel by public transport should also be payable quarterly. In claiming the mileage allowance or reimbursement of the cost of travel by public transport, members should not be required to give details of their journeys.
- (b) For travel on local government work *outside* the local authority area, separate and specific claims should be submitted and expenses should not rank for repayment unless specially authorised or ratified.

27. *Subsistence allowance.* A separate subsistence allowance should be payable only for local government work involving authorised journeys *outside* the local authority area.

8. Proposed annual flat expenses allowance

We have drawn attention to three issues relating to the present financial loss allowance:

- (a) many members cannot claim it, because they cannot demonstrate that they have suffered loss of earnings;
- (b) it is open to abuse;
- (c) members cannot claim it in respect of some duties which they can be reasonably expected to discharge (as distinct from items of approved duty as at present defined).

So far as possible we wish to see that no one is deterred from offering himself as a candidate for election because of financial considerations. At the same time we have opposed the idea of paying a salary to the member. And we reject the idea that a variable allowance should be payable to all members dependent on widely varying loss of earnings because in many cases it would not be possible to demonstrate what the loss was.

29. We believe that all members should be able to claim an allowance, though we recognise that a single expenses allowance, if claimed in full, would be over-generous to some and an inadequate recompense to others.

30. We believe that the allowance should be simple, and that the method of claiming it should involve the minimum of formality.

31. We therefore recommend that local authorities should be free to prescribe an annual flat expenses allowance which a member may claim in whole or in part at his discretion. When determining this allowance the council of the local authority should be required to have regard to the expense likely to be incurred or loss likely to be suffered by a member of the council in respect of:

- (a) subsistence;
- (b) overheads such as postage, telephone, stationery and secretarial help;
- (c) loss of remunerative time;
- (d) expenses incurred (other than expenses on account of travelling or subsistence) in freeing himself for the performance of his duties;
- (e) incidental expenses incurred in the discharge of his public duties apart from attendance at council and committee meetings.

32. The 'loss of remunerative time' element (paragraph 31(c) above) should not necessarily represent a full recompense for loss of earnings, but it should include recognition that members may have to sacrifice earning power in performing their public duties.

33. The present financial loss allowance is not subject to tax. We are aware that the proposed flat expenses allowance may not be such as will enable a member to certify that he has incurred expenditure (or suffered financial loss) up to the amount claimed and that under existing law it is therefore likely to be treated as remuneration and he liable to tax. Local authorities should therefore bear in mind, in fixing the level of the flat expenses allowance, that this allowance may be liable to tax.

34. It has been represented to us that such allowance might be payable as an attendance fee for each day on which a member attends council or committee meetings. This might have the advantage of discouraging absenteeism amongst members and requiring evidence of time given to council business. But it would, we believe, encourage some local authorities to multiply the number of council, committee and sub-committee meetings and thus work against the objective to which we attach paramount importance of stream-lining local government procedures, reducing the time demanded of members and officials by the traditional committee system and thus commending local government work to a wider section of the community. In our opinion, therefore, the flat expenses allowance recommended in paragraph 31 above should be calculated as an annual sum payable, if claimed, quarterly. It should not depend on the number of meetings attended nor require documentation other than a claim and a certificate (designed to preclude claims in respect of a period during which the member has been absent, for sickness or some other reason) that the claimant has 'discharged his local government duties' during the period covered.

35. We attach importance to the principle that the public should be aware what the expenses allowance is, and the cost of it. The expenses allowance should be published, and a book should be kept which should be open to public inspection so that anyone may see which members of the council claim the allowance in whole or in part and how much they claim.

36. *Freedom for local authorities to decide the rates of the allowances.*

- (a) At present local authorities have discretion to pay allowances up to the maxima prescribed by the Minister. We understand that most local authorities pay the maxima, so that in effect it is the Minister who prescribes the allowances.
- (b) We have noted that in Sweden, for example, local authorities have power to pay salaries to members as they think proper. Neither the number of members nor the salaries which they receive are subject to limitation by the central government. We believe it to be illogical that local authorities in England and Wales should be spending some three thousand million pounds a year on running the services for which they are responsible and yet should not be thought sufficiently responsible to decide for themselves what allowances should be payable to their members.
- (c) We therefore recommend that the Minister should play no part in prescribing what the level of the allowances should be. Further we recommend that local authorities should draw up their own rates of travelling, subsistence and flat expenses allowances.
- (d) We believe that if an authority approves allowances that in the opinion of the local electorate are excessive, public opinion will quickly bring pressure to bear either directly or through the polls.
- (e) It is desirable that authorities of a particular size or type should not fix the scales of the allowances without reference to those fixed by other authorities of the same type or comparable size. We therefore suggest that the Local Authority Associations should undertake responsibility for advising their constituent authorities on appropriate scales.

37. *Amendments of the Law.* Our recommendations, if accepted, will involve amendment or repeal of sections of the Local Government Act 1948 and of certain subsidiary legislation made thereunder.

- (a) *Approved duty.* Sections 115 and 117 of the Local Government Act 1948.
- (b) *Travelling allowance.* (i) Sections 113, 114 and 117 of the Local Government Act 1948;
(ii) The Local Government (Allowances to Members) Regulations 1954 (S.I. 1954 No. 397) as amended by the Local Government (Allowances to Members) Regulations 1962 (S.I. 1962 No. 1782);
- (c) *Subsistence allowance.* (i) Sections 113, 114 and 117 of the Local Government Act 1948;
(ii) The Local Government (Allowances to Members) Regulations 1954 (S.I. 1954 No. 397) as amended by the Local Government (Allowances to Members) Regulations 1965 (S.I. 1965 No. 194);
- (d) *Financial loss allowance* (i) Sections 112, 114 and 117 of the Local Government Act 1948;
(ii) The Local Government (Financial Loss Allowance) Regulations 1962 (S.I. 1962 No. 941).

V. Summary of Recommendations

- (a) Salaries should not be paid to elected members (though we reserve our position regarding payment of salaries to council and committee chairmen) (paragraph 22).
- (b) A more liberal interpretation should be placed on 'approved duty' (paragraph 25).
- (c) The rates of travelling allowance within the local authority area should be—
 - (i) paid on a simple quarterly basis without the need for supporting details (paragraph 26(a));
 - (ii) decided by the local authorities themselves (paragraph 36(c)).

- (d) Travelling allowance for a duty journey outside the local authority area should be the subject of a specific claim by the elected member (paragraph 26(b)).
- (e) Local authorities should decide for themselves the rates of subsistence allowance for duties outside the local authority area (paragraph 36(c)).
- (f) Local authorities should be free to prescribe an annual flat expenses allowance (paragraph 31) which should be payable on demand quarterly (paragraph 34); the expenses allowance should be determined by the local authorities themselves (paragraph 36(c)).

M. V. Saville
(Secretary)

H. G. Cooper
(Assistant Secretary)

4 May 1966

John Maud (Chairman)
William Bennett
Philip B. Dingle
Victor Feather
Gainsborough
J. W. F. Hill
T. S. G. Hunter
G. O. Lack
W. J. M. Mackenzie
Fred V. Magness
E. B. Mayne
Peter Mursell
R. A. J. Porter
Morley Thomas
H. Watton
G. A. Wheatley*

*A note of dissent by Mr. G. A. Wheatley is appended.

NOTE OF DISSENT

BY

MR. G. A. WHEATLEY

It is with regret that I dissent from the conclusions which the majority of the members have reached on the question of the payment of allowances to members of local authorities.

I agree with them that a change is necessary to mitigate the harshness of the existing system under which the receipt of financial loss allowance is related to proof of loss of earnings. The present system operates in a way which penalises the person working on his own account and has the effect of discouraging such persons from entering Local Government.

I cannot, however, agree with the majority view that the remedy is to be found in replacing the existing financial loss allowance by an annual payment.

It is well-known that in Local Government the bulk of the work is undertaken by only a proportion of the members. Some of these devote much of their time to the service of the public, often at substantial personal cost. Some are not only entitled, but find it essential, to claim for loss of remunerative time, and any proposal to replace the present arrangements would have to ensure that the amount received in aggregate was not less than the financial loss allowance now paid. A similar payment made to every member of the Council must result in some receiving an amount well in excess of their loss, and, therefore, representing a profit, going well beyond any expenses which they might incur. The effect of the proposal put forward by the majority would be to give to the infrequent attender, who might suffer no loss of earnings, the same lump sum as the member who was engaged on Council business two or three days per week. I do not think that public moneys should be expended in this way.

No matter what method might be employed, it would not be possible to assess precisely the amount which should be paid by way of financial loss allowance to every individual member because of the widely differing circumstances. What is required is a system which is both fair to the ratepayer who has to find the money and fair to the councillor who in his service to the public suffers a loss. Such a system should have regard to the amount of time spent on 'approved duties' as a councillor, and be directly related to the number of attendances.

I see no reason to depart from the existing practice in the case of allowances which are readily calculated. I, therefore, suggest that travelling and subsistence allowances should remain dependent upon the actual journeys made or the meals taken. This would accord with the long-established principle that those who claim reimbursement out of public moneys are accountable for that expenditure.

In the light of what I have said, I make the following specific proposals:

1. The definition of 'approved duty' has long given rise to difficulties and in many cases has operated harshly. Although the position was eased by the Local Government (Financial Provisions) Act 1963 and the Local Government (Conferences) Regulations 1965, attendance at meetings of managers and governors of schools is still not an 'approved duty'. Attendance as a representative of a local authority at meetings of bodies, such as local charities and voluntary organisations not directly connected with the discharge of the authority's functions, also does not fall within the definition, and all expenses and any loss fall on the member of the local authority concerned. To overcome this, I suggest that the definition of 'approved duty' should be amended to read:

'The doing of anything approved by the Council, for the purpose of, or in connection with, the discharge of the functions of the Council, or of any Committee or Sub-Committee thereof, or the attendance, as a representative appointed by the Council, at a meeting or Conference convened by any other person or body'.

Note of Dissent

This would require the following safeguards:

- (a) An exception in respect of attendance at a meeting or Conference convened by a body or person, the objects of which are wholly or partly political.
 - (b) A limitation as to numbers as in the Local Government (Conferences) Regulations 1965 (suitably amended as to numbers to cover meetings of governors and managers).
 - (c) A restriction on the payment of expenses in respect of attendances at Conference or meetings outside the United Kingdom without the consent of the Minister.
 - (d) Publicity for 'approved duty' resolutions by making it a requirement that they should be recorded in the Minutes of the Council.
2. The following allowances should be payable:
- (a) Travelling Expenses on 'approved duty' within prescribed maxima as at present.
 - (b) Subsistence Allowances on 'approved duty' in accordance with scales laid down by the local authority within maxima prescribed as at present. Whilst it would be attractive to include an element under (d) below in respect of subsistence, the widely differing areas served by the various types of local authority would make this inequitable.
 - (c) A fixed allowance to cover out of pocket expenses, such as postages, telephones, stationery, etc., within limits prescribed by the Minister. I have in mind a figure of £10-£15 per annum.
 - (d) An allowance in respect of attendance in the course of 'approved duties' which would take account of the sacrifices made by members by way of loss of time and money, and would be fixed by each local authority within limits prescribed by the Minister. The amount should be assessed on a half daily basis and would not be conditional on a member having to prove loss of earnings.

Each local authority should be obliged to make available at the end of the financial year a statement of the amount (if any) claimed by each member.

I would not expect that an arrangement on these lines would result in a local authority increasing the number of meetings in order to increase the amount which the members would be able to claim.

At the present time the amount which is payable to members in respect of loss of remunerative time is not assessed for Income Tax. Inevitably, if the allowance ceases to be compensatory it will be so assessed. It would be unfortunate if under any revised arrangements the necessity to account in detail was transferred from the office of the local authority to the office of H.M. Inspector of Taxes.

G. A. WHEATLEY

4 May 1966